

LAW^S
OF THE
TERRITORY OF HAWAII
PASSED BY THE
TWELFTH LEGISLATURE

REGULAR SESSION
1923.

COMMENCED ON WEDNESDAY, THE TWENTY-FIRST
DAY OF FEBRUARY, AND ENDED ON THE
SECOND DAY OF MAY.

PUBLISHED BY AUTHORITY

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Members of the Legislature are elected in even years on the Tuesday next after the first Monday in November.

The Organic Act provides:

Section 41. "That the first regular session of the Legislature shall be held on the third Wednesday in February, 1901, and biennially thereafter, in Honolulu."

Section 43. "That each session of the Legislature shall continue not longer than sixty days, excluding Sundays and holidays, Provided, however, that the Governor may extend such session for not more than thirty days."

Accordingly: The twelfth session of the Legislature of the Territory of Hawaii commenced on the twenty-first day of February and ended on Wednesday, the second day of May, Nineteen hundred twenty-three.

The Legislature is composed of 30 members of a House of Representatives and 15 Senators. Members of the House of Representatives are elected for a term of two years. Senators are elected for a term of four years, the term of one-half the number expiring every two years.

LIST OF MEMBERS AND OFFICERS OF THE
 LEGISLATURE OF THE TERRITORY OF
 HAWAII, REGULAR SESSION
 OF 1923.

SENATE.

President.. Lawrence M. Judd, Third Senatorial District, Honolulu, Oahu
 Vice-President..... E. A. K. Akina, First Senatorial District, Kohala, Hawaii
 Clerk..... Albert E. Lloyd, Third Senatorial District, Honolulu, Oahu

MEMBERS.

District	Composition of District	Name	Address
First....	Island of Hawaii.	† E. A. K. Akina..... † Stephen L. Desha..... † Robert Hind..... † W. C. Vannatta..... † Antone F. Tavares..... † H. W. Rice..... *P. J. Goodness.....	Kohala, Hawaii. Hilo, Hawaii. Kamuela, Hawaii. Paauilo, Hawaii. Haiku, Maui. Paia, Maui. Wailuku, Maui.
Second..	Islands of Maui, Molokai, Lanai, Kahoolawae.	† Wm. H. Ahia..... † Lawrence M. Judd..... † John Lucas..... † James K. Jarrett..... † Robert W. Shingle.... † William H. McInerny..	Honolulu, Oahu. Honolulu, Oahu. Honolulu, Oahu. Honolulu, Oahu. Honolulu, Oahu.
Third...	Island of Oahu...	† Charles A. Rice..... † J. A. Kealoha.....	Lihue, Kauai. Kapaa, Kauai.
Fourth..	Islands of Kauai, Niihau.		

* Elected to fill a term to expire following the election of November, 1924.

† Holdovers from 1921 session.

‡ Holdovers to serve in 1925 session.

Republicans	15
Democrats	None

Note: Senator Kealoha of the Fourth Senatorial District, was elected as a Democrat and served as such during the 1921 session. He has since joined the Republican ranks and served as a Republican in the 1923 session.

STANDING COMMITTEES OF THE SENATE.

COMMITTEE ON WAYS AND MEANS.

Chas. A. Rice (chairman), Robt. Hind, H. W. Rice, John Lucas,
R. W. Shingle, Wm. H. McInerny, W. C. Vannatta.

COMMITTEE ON JUDICIARY.

A. F. Tavares (chairman), E. A. K. Akina, W. M. Ahia,
James K. Jarrett, Chas. A. Rice.

COMMITTEE ON PUBLIC LANDS AND INTERNAL
IMPROVEMENTS.

H. W. Rice (chairman), Robt. Hind, S. L. Desha, John A. Kealoha,
R. W. Shingle.

COMMITTEE ON PUBLIC HEALTH.

S. L. Desha (chairman), A. F. Tavares, Wm. H. McInerny.

COMMITTEE ON EDUCATION.

E. A. K. Akina (chairman), W. H. McInerny, S. L. Desha.

COMMITTEE ON ENROLLMENT, REVISION AND PRINTING.

John A. Kealoha (chairman), John Lucas, W. C. Vannatta.

COMMITTEE ON ACCOUNTS.

John Lucas (chairman), H. W. Rice, Robt. Hind.

COMMITTEE ON RULES.

W. C. Vannatta (chairman), Chas. A. Rice, John Lucas.

COMMITTEE ON AGRICULTURE, FORESTRY AND PROMOTION.

Robt. Hind (chairman), W. M. Ahia, H. W. Rice.

COMMITTEE ON MILITARY.

W. M. Ahia (chairman), John A. Kealoha, P. J. Goodness.

HOUSE OF REPRESENTATIVES.

Speaker.....C. H. Cooke, Fourth Representative District, Honolulu, Oahu
 Vice-Speaker.....Emil M. Muller, Second Representative District, Holualoa, Hawaii
 Clerk.....Joseph Ordenstein, Fourth Representative District, Honolulu, Oahu

MEMBERS.

District	Composition of District	Name	Address
First....	Puna, South Hilo,	Evan da Silva.....	Hilo, Hawaii.
	North Hilo and Hamakua, Island of Hawaii.	Thomas Pedro, Jr.....	Hilo, Hawaii.
	G. H. Vicars.....	Hilo, Hawaii.	
Second..	R. W. Filler.....	Hilo, Hawaii.	
	North Kohala, Francis K. Aona.....	Kealakekua, Hawaii.	
	South Kohala, Emil M. Muller.....	Holualoa, Hawaii.	
	North Kona, C. K. Stillman, Jr.....	Mahukona, Hawaii.	
	South Kona and Kau, Island of Hawaii.	R. Wilhelm	Waiohinu, Hawaii.
Third...	Maui, Molokai, Lanai and Ka-hoolawe.	Levi L. Joseph.....	Pukoo, Molokai.
	Manuel G. Pasehoal.....	Puunene, Maui.	
	J. W. Kalua.....	Wailuku, Maui.	
	Wm. A. Clark.....	Paia, Maui.	
	C. K. Farden.....	Labaina, Maui.	
Fourth..	John Ferreira.....	Wailuku, Maui.	
	G. P. Wilder.....	Honolulu, Oahu.	
	F. D. Lowrey.....	Honolulu, Oahu.	
	C. H. Cooke.....	Honolulu, Oahu.	
	A. R. Cunha.....	Honolulu, Oahu.	
Fifth ...	T. H. Petrie.....	Honolulu, Oahu.	
	R. A. Vitousek.....	Honolulu, Oahu.	
	Geo. H. Holt, Jr.....	Waianae, Oahu.	
	E. K. Fernandez.....	Honolulu, Oahu.	
	J. C. Anderson.....	Honolulu, Oahu.	
Sixth ...	H. J. Auld.....	Honolulu, Oahu.	
	W. J. Coelho.....	Honolulu, Oahu.	
	W. K. Hussey.....	Honolulu, Oahu.	
	J. H. Coney.....	Lihue, Kauai.	
	J. de C. Jerves.....	Kalaheo, Kauai.	
	S. W. Meheula.....	Kapaa, Kauai.	
	D. K. Hayselden.....	Lihue, Kauai.	

Republicans 29

Democrats 1

Note: Representative Holt of the Fifth District, being the Democrat.

STANDING COMMITTEES OF THE HOUSE OF
REPRESENTATIVES.

FINANCE.

Frederick D. Lowrey, chairman; Thomas H. Petrie, Emil M. Muller, R. W. Filler, William A. Clark, John H. Coney and Harry J. Auld.

JUDICIARY.

Roy A. Vitousek, chairman; John W. Kalua, Francis K. Aona, John C. Anderson and David K. Hayselden.

EDUCATION.

Emil M. Muller, chairman; Albert R. Cunha, George H. Vicars, Charles K. Stillman, Jr., S. W. Meheula, William A. Clark and William K. Hussey.

HEALTH, POLICE AND MILITARY.

Manuel Gomes Paschoal, chairman; Gerrit P. Wilder, Thomas Pedro, Jr., John de C. Jerves and William K. Hussey.

PUBLIC LANDS AND INTERNAL IMPROVEMENTS.

George H. Vicars, chairman; Evan da Silva, M. G. Paschoal, A. R. Cunha, William J. Coelho, Robert Wilhelm and David K. Hayselden.

MUNICIPAL, COUNTY AND CIVIL SERVICE.

Edwin K. Fernandez, chairman; John H. Coney, Francis K. Aona, Thomas H. Petrie, R. W. Filler, R. A. Vitousek and Levi L. Joseph.

ACCOUNTS AND PUBLIC EXPENDITURES.

*Evan da Silva, chairman; Frederick D. Lowrey, George H. Holt, Jr., John Ferreira and †Thomas Pedro, Jr.

ENROLLMENT, REVISION AND PRINTING.

John C. Anderson, chairman; John Ferreira, Levi L. Joseph, Harry J. Auld and Charles K. Stillman, Jr.

AGRICULTURE, FORESTRY, PROMOTION AND IMMIGRATION.

Gerrit P. Wilder, chairman; Robert Wilhelm, John de C. Jerves, Charles K. Farden and Edwin K. Fernandez.

MISCELLANY.

William J. Coelho, chairman; Charles K. Farden and George H. Holt, Jr.

viii STANDING COMMITTEES, HOUSE OF REPRESENTATIVES.

RULES.

John W. Kalua, chairman; Clarence H. Cooke and S. W. Meheula.

JOURNAL.

Clarence H. Cooke, chairman; Evan da Silva and John C. Anderson.

* Chairman until April 18th.

† Chairman from April 19th.

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LAWS OF THE TERRITORY OF HAWAII

PASSED AT THE

TWELFTH REGULAR SESSION OF THE LEGISLATURE

1923

ACT 1

[H. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1923 FROM THE PUBLIC TREASURY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of forty-five thousand dollars (\$45,000.00) from the public treasury for the purpose of defraying the expenses of the regular session of the house of representatives of the legislature of the Territory of Hawaii of the year 1923.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of February, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 2

[S. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of thirty-five thousand dollars (\$35,000.00) from the public treasury for the purpose of defraying the expenses of the session of the senate of the legislature of the Territory of Hawaii of the year 1923.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of February, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 3

[H. B. No. 10]

AN ACT PROVIDING FOR THE CONSTRUCTION OF LAWS AND CONTRACTS, FOR THE METHOD OF COMPUTING TIME THEREIN SPECIFIED, AND FOR THE PERFORMANCE OF AN ACT ON PARTICULAR DAYS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 4 of the Revised Laws of Hawaii, 1915, is hereby amended by adding Section 18A to read as follows:

“Section 18A. Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a Sunday or holiday and then it is also excluded.”

SECTION 2. Chapter 4 of the Revised Laws of Hawaii, 1915, is hereby further amended by adding Section 18B to read as follows:

“Section 18B. Certain acts not to be done on holidays. Whenever any act of a secular nature other than a work of necessity or mercy is appointed by law or contract to be performed upon a particular day which day falls upon a Sunday or holiday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.”

SECTION 3. This Act shall take effect upon its approval.

Approved this 13th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 4

[H. B. No. 57]

AN ACT MAKING AN APPROPRIATION FOR DEFRAYING THE FUNERAL EXPENSES OF THE LATE PRINCE JONAH KUHIO KALANIANAOLE, REIMBURSING HENRY WATERHOUSE TRUST COMPANY, LIMITED, ON ACCOUNT OF ADVANCES MADE BY THEM FOR SAID EXPENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay upon warrant issued by the auditor of the Territory, on the filing of satisfactory vouchers therefor, the sum of thirteen thousand two hundred eighty-five and 45/100 dollars (\$13,285.45) to Henry Waterhouse Trust Company, Limited, for the payment by it of the funeral expenses of the late Prince Jonah Kuhio Kalanianaole.

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 5

[H. B. No. 8]

AN ACT TO AMEND CHAPTER 147 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO STATUTE OF FRAUDS AND PERJURIES, AND PROVIDING WHEN CERTAIN CONTRACTS ARE ACTIONABLE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2659 of Chapter 147 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2659. Certain contracts, when actionable. No action shall be brought and maintained in any of the following cases:

First. To charge an executor or administrator, upon any special promise to answer for damages out of his own estate;

Second. To charge any person upon any special promise to answer for the debt, default or misdoings of another;

Third. To charge any person, upon an agreement made in consideration of marriage;

Fourth. Upon any contract for the sale of lands, tenements or hereditaments, or of any interest in or concerning them;

Fifth. Upon any agreement that is not to be performed within one year from the making thereof;

Sixth. To charge any person upon any agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or commission;

Unless the promise, contract or agreement, upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and be signed by the party to be charged therewith, or by some person thereunto by him in writing lawfully authorized.”

SECTION 2. Section 2662 of Chapter 147 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2662. Contract for sale of goods, when actionable. No contract for the sale of any goods, wares or merchandise, for the price of one hundred dollars (\$100.00) or more, shall be allowed to be good, unless the purchaser shall accept part of the goods, so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part payment, or some note or memorandum, in writing, of the said bargain be made and signed by the party to be charged by such contract, or by his agent, thereunto by him in writing lawfully authorized."

SECTION 3. This Act shall take effect upon its approval.

Approved this 20th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 6

[II, B. No. 42]

AN ACT TO AMEND SECTION 2270 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 49 OF THE SESSION LAWS OF 1917, ACT 27 OF THE SESSION LAWS OF 1919, AND ACT 77 OF THE SESSION LAWS OF 1921, RELATIVE TO THE TERMS OF THE CIRCUIT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2270 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 2270. Length and extension. The terms of the circuit courts may continue and be held, subject to adjournment from time to time, until the time fixed by law for the commencement of the next succeeding term, providing that Sundays and legal holidays shall be excepted; provided, further, that no trial in any contested term case shall be commenced in July and August, except that in the third circuit the court may hear and try jury waived cases at its sittings during said months in North Kohala, and except that jury waived cases may be tried in any circuit during said months with the consent of both parties; that in the third circuit the court shall sit in North Kohala on the fourth Wednesday of July and in Kau on the fourth Wednesday of January for the

trial of such cases only as do not require a jury; and that no jurors, grand or trial, shall be summoned for such terms."

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 7

[H. B. No. 63]

AN ACT TO PREVENT THE IMMEDIATE DISPOSAL OF THE HIDES
OF BUTCHERED CATTLE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Every owner of a bullock butchered for purposes of human consumption shall, for a period of two weeks after the killing of the said bullock, retain the hide of the same and allow any interested person, in the usual business hours during the said period, to inspect the same; provided, however, that disposition may be made of a hide within that period upon permission to that effect being given by the local sheriff or deputy sheriff.

SECTION 2. It shall be the duty of every vendor of butchered beef to know and truthfully state to any inquirer the name and residence of the person from whom he obtained the beef which he has for sale.

SECTION 3. A violation of either of the foregoing sections shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 4. This Act shall take effect upon its approval.

Approved this 20th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 8

[H. B. No. 114]

AN ACT RELATING TO THE VOTING OF CORPORATION STOCK HELD BY EXECUTORS, ADMINISTRATORS, GUARDIANS OR TRUSTEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. An executor, administrator, guardian or trustee may vote, in person or by proxy, the stock of any corporation held by him in such capacity at all meetings of the corporation whether or not such stock shall have been transferred into his name on the books of the corporation, but, in case such stock shall not have been so transferred into his name, he shall, as a prerequisite to so voting, if the corporation shall so require, file with the corporation a certified copy of his letters as such executor, administrator or guardian of his appointment or authority as trustee. In case there are two or more executors, administrators, guardians or trustees, all or a majority of them may vote the stock in person or by proxy.

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 9

[S. B. No. 10]

AN ACT TO PROVIDE FOR WOMEN SERVING AND QUALIFYING ON BONDS AND AS SURETIES IN ALL CLASSES

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All women, upon attaining their majority, and having the necessary property qualifications as by law required, may act, serve and be sureties on all bonds and undertakings required under the laws of this Territory.

8 PAYMENT OF SALARY OF DR. J. J. CAREY AS DENTIST. [ACT 10

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 10

[H. B. No. 89]

AN ACT AUTHORIZING THE PAYMENT TO DR. J. J. CAREY OF HIS SALARY AS DENTIST FOR THE TERRITORIAL PRISON.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to pay, upon warrants to be drawn by the auditor of the territory, based on vouchers properly certified to by the high sheriff and approved by the attorney general of the territory, the sum of one hundred and ten dollars (\$110.00) each month to Dr. J. J. Carey, same being the amount of his monthly salary as dentist for the territorial prison, such payments to begin as of September 1, 1922, and to continue for a period of ten months ending June 30, 1923.

The amount required under this Act is hereby appropriated out of moneys heretofore made available in the item "salaries, guards, lunas and physicians", under the "high sheriff and territorial prison, attorney general's department", as provided under Act 229 of the Session Laws of 1921.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 11

[H. B. No. 92]

AN ACT TO REIMBURSE JOHN C. LANE FOR ADVANCES MADE BY
HIM IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1490
OF THE REVISED LAWS OF HAWAII, 1915.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to pay upon warrant to be drawn by the auditor of the territory, the sum of thirty dollars (\$30.00) to John C. Lane for the purpose of reimbursing said John C. Lane for cash advances made by him in accordance with the provisions of Section 1490 of the Revised Laws of Hawaii, 1915.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D., 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 12

[H. B. No. 113]

AN ACT TO AMEND SECTION 3289 OF THE REVISED LAWS OF
HAWAII, 1915, RELATING TO THE ISSUE OF PREFERRED STOCK
BY CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3289 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 3289. Preferred stock. Any company incorporated under the laws of this territory with power to issue stock may issue two or more classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issue thereof, by the vote of three-fourths of all its stock, or if two or more classes of stock

have been issued, of three-fourths of each class of stock outstanding and entitled to vote."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D., 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 13

[H. B. No. 117]

AN ACT TO AMEND ACT 239 OF THE SESSION LAWS OF 1919, AS AMENDED BY ACT 67 OF THE SESSION LAWS OF 1921, RELATING TO THE CONSTRUCTION OF ROADS THROUGH THE ANAHOLA HOMESTEADS, IN THE COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1 and 3 of Act 239 of the Session Laws of 1919, as amended by Act 67 of the Session Laws of 1921, are hereby amended to read as follows, respectively:

"Section 1. The sum of three thousand dollars (\$3,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards macadamizing so much as possible of the present Anahola road running from its junction with the main government road to the Anahola house lots, in the County of Kauai."

"Section 3. The amount hereby appropriated under this Act shall become available, and the construction of the said road shall be commenced as soon as possible after the date of the approval of this Act."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D., 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 14

[H. B. No. 144]

**AN ACT TO AMEND SECTION 4 OF ACT 15 OF THE SESSION LAWS
OF 1921, PROVIDING A MEMORIAL TO THE MEN AND WOMEN OF
HAWAII WHO SERVED DURING THE GREAT WAR.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4 of Act 15 of the Session Laws of 1921 is hereby amended to read as follows:

“Section 4. The several tax assessors in the several taxation divisions of the territory, beginning with the year 1922 and thereafter for five (5) successive years, shall add to the tax rate of their respective taxation divisions, an amount sufficient to produce in each year during the said five years, a sum equal to one-fifth (1/5) of the total amount payable by the respective counties and the city and county, as by Section 3 hereof provided, together with the annual interest on that amount, and the several sums so collected shall be deposited by the treasurer of the territory, in a special sinking fund for the retirement of said bonds, and the payment of the interest thereon; provided, however, that any moneys so collected prior to the sale of said bonds shall be deemed appropriated for the purposes specified in Section 1 hereof and the bonds hereby authorized shall only be sold in an amount to cover the balance of said appropriation. It is provided, however, that if, on any annual interest date, a sufficient amount has not been collected from the counties and the city and county to meet any interest payment and to retire one-fifth (1/5) of the said bonds as in Section 2 hereof provided, the amount necessary to pay the said interest and to retire one-fifth (1/5) of the said bonds shall be paid by way of advancement out of the general revenues of the territory and repaid into the general revenues of the territory from the said sinking fund, when a sufficient amount shall have been collected and deposited therein pursuant to the provisions of this section.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D., 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 15

[H. B. No. 2]

AN ACT MAKING AN APPROPRIATION FOR THE BENEFIT OF PRINCESS KALANIANAOLE.

WHEREAS, the late Prince J. K. Kalanianaole had filled the position of Delegate from the Territory of Hawaii most faithfully and honorably for a period of twenty years; and

WHEREAS, he was one of the most honored and respected citizens of Hawaii nei, and in recognition of his most valuable and honorable services; therefore

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon warrants issued by the auditor of the territory, the sum of five hundred dollars (\$500.00) each month to Princess Kalanianaole, and to continue so to do for and during the remainder of her life.

Such payments are hereby appropriated out of money received in the treasury of the Territory of Hawaii from the general revenues.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 16

[H. B. No. 43]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO MAKE AN APPROPRIATION FOR THE RELIEF OF M. UMEDA.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized to make an appropriation in the sum of five hundred and twenty-eight dollars and twenty cents (\$528.20) from the general fund of the said City and County of Honolulu for the purpose of paying M. Umeda, for services rendered and materials used by him in building and furnishing a wash and bath house at the Shelter Home. Upon the making of such appropriation, the auditor of the City and County of Honolulu is hereby authorized and directed to draw his warrant upon the treasurer of the City and County of Honolulu for the sum of five hundred and twenty-eight dollars and twenty cents (\$528.20) in favor of said M. Umeda.

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 27th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 17

[S. B. No. 7]

AN ACT TO AUTHORIZE THE APPOINTMENT OF A COMMISSION TO COMPILE THE STATUTE LAWS OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A commission of three persons, to be designated as the Compilation Commission, is hereby constituted and authorized to compile all the statute laws of the Territory of Hawaii as they shall exist after the adjournment of this session of the legislature.

SECTION 2. In making such compilation, statutes obviously inconsistent with the Constitution of the United States or the Act to provide a government for the Territory of Hawaii shall not be included, and of two or more statutes which are obviously repugnant to each other, the statute last enacted alone shall be included.

SECTION 3. Where two or more statutes or parts thereof overlap each other or substantially cover the same ground, the latter only shall be included.

SECTION 4. Where a statute is repugnant to the Constitution of the United States or the Act to provide a government for the Territory of Hawaii in part only, it may be modified so as to conform thereto.

SECTION 5. Where a statute refers to another statute which has been repealed, and a subsequent statute has been enacted covering the same subject matter, the first named statute may be modified so as to refer to such new statute in place of such repealed statute.

SECTION 6. Mistakes of omission or erroneous reference to other statutes or other mistakes, obviously made through oversight or accident in the original statutes, may be corrected.

SECTION 7. Statutes may be modified so as to express the intention manifested in later statutes, either expressly or by clear implication; and, where any statute or part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

SECTION 8. The compilation shall include a complete index, and, as a prefix, the Constitution of the United States and the Act to provide a government for the Territory of Hawaii; head notes expressing the substance of each section of said compilation; notes stating briefly the date of the original enactment of each section and of the amendment or amendments thereof, if any, and where, if at all, the same is found in previous compilations; also notes citing decisions, if any, published in the United States Supreme Court Reports, the Federal Reporter, the United States District Court for the Territory of Hawaii Reports, the Hawaiian Supreme Court Reports and the Opinions of the United States Attorney General construing or relating to the subject matter of each section of the Organic Act and of the said compiled laws.

SECTION 9. Any departure or change in the letter of existing statutes made under the provisions of this Act, either by way of alteration or omission, shall be noted as near as may be to the statutes affected thereby.

SECTION 10. The said compilation shall be printed and bound in one or two volumes and shall be presented by the commission to the legislature at its next regular session; provided, however, that when said compilation is completed the secretary of the territory shall cause such a number of copies thereof as to him may seem necessary to be printed and bound, which, when so printed and bound, may be furnished by him free of charge to government officials for official use, and may be sold by him at ten dollars (\$10.00) a volume or set, as the case may be, for the benefit of the territory.

SECTION 11. The said commission may recommend in a separate report such other changes not herein authorized to be made in the said compilation, as it may deem advisable for the sake of clearness, consistency, brevity and efficiency.

SECTION 12. All the members of the said commission shall be attorneys admitted to practice in the Supreme Court of the territory, and one of them may be a judge of the Supreme Court or Circuit Court. They shall be appointed and commissioned by the governor by and with the advice and consent of the Senate.

SECTION 13. The members of said commission shall be compensated in the sum of nine thousand dollars (\$9,000.00) and the said sum is hereby appropriated for that purpose.

The sum of seventeen thousand dollars (\$17,000.00) is hereby appropriated for clerk hire and the printing of the compilation and the report as above described for presentation to the next legislature.

SECTION 14. This Act shall take effect from the date of its approval.

Approved this 29th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 18

[S. B. No. 51]

AN ACT TO AMEND SECTION 3 OF ACT 226 OF THE SESSION LAWS OF 1921 AND PROVIDING FOR AN INCREASE IN THE APPROPRIATION FOR THE HAWAII EMERGENCY LABOR COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3 of Act 226 of the Session Laws of 1921 is hereby amended to read as follows:

“Section 3. The sum of thirty thousand dollars (\$30,000.00) is hereby appropriated from the general revenues of the Territory for the payment of the expenses of the Hawaii Emergency Labor Commission during its absence from the Territory and for the payment of the expenses of any commission appointed by the Secretary of Labor of the United States of America and sent to the territory for the purpose of investigating the conditions which are described in the said concurrent resolution, which sum shall be expended on vouchers approved by the chairman of the Hawaii Emergency Labor Commission. The per diem or other expenses of the members of the Hawaii Emergency Labor Commission shall not be limited by the provisions of Joint Resolution No. 3 of the 1917 session of the Legislature of Hawaii.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 19

[H. B. No. 68]

AN ACT TO AMEND SECTION 157 OF THE REVISED LAWS OF HAWAII, 1915, CONCERNING GOVERNMENTAL EMPLOYMENT OF CITIZENS OR THOSE ELIGIBLE TO BECOME CITIZENS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 157 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 157. Government official, etc., to be citizens or eligible to citizenship. All officers, deputies, clerks, assistants, interpreters, police, laborers and other persons employed in the service of the government of the Territory of Hawaii, or in the service of any county or municipal subdivision of said territory shall be citizens or eligible to become citizens of the United States of America; except that in cases where it is not reasonably practicable to obtain citizens competent for such service, persons other than citizens may be employed; provided, however, that no teacher shall be employed in the public elementary and grammar schools of the territory who is not a citizen of the United States of America, and the auditor of the territory is hereby directed not to issue a warrant for any public elementary and grammar school teacher's salary until satisfied that such teacher is a citizen of the United States of America."

SECTION 2. This Act shall take effect from and after August 31, 1923.

Approved this 31st day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 20

[H. B. No. 159].

AN ACT TO AMEND SECTION 2297 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE JURISDICTION OF DISTRICT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2297 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2297. Civil. The district courts shall have original and exclusive jurisdiction of all civil actions, except as otherwise provided, where the debt, amount or damages, or the value of the property claimed, shall not exceed fifty dollars; and concurrent jurisdiction in all civil actions, except as aforesaid, where the debt, amount or damages, or the value of the property claimed, shall not exceed five hundred dollars, and shall have original jurisdiction in all statutory proceedings as conferred by law upon district courts or which may hereafter be placed by law within the jurisdiction of district courts, to try and determine the same, subject to appeal according to law; provided, however, that such courts shall not have cognizance of real actions, nor actions in which the title to real estate shall come in question, nor actions for libel, slander, defamation of character, malicious prosecution, false imprisonment, breach of promise of marriage, or seduction, nor of any civil matter required by law to be tried by a jury; nor shall they have power to appoint referees in any cause.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D., 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 21

[H. B. No. 194]

AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO GIVE BONDS FOR MILITARY EQUIPMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The department of public instruction is hereby authorized to execute and deliver bonds in the name of the Territory of Hawaii to the United States of America, as provided by any existing or hereafter enacted Act of Congress, to insure the safe return of any public animals, tentage, uniforms, arms, equipments and means of transportation procured by said department from the United States of America for use in the public schools of the Territory of Hawaii or the Territorial Normal School maintaining a course or courses in military training as provided by Act of Congress.

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 22

[H. B. No. 65]

AN ACT TO AMEND SECTION 4093 OF THE REVISED LAWS OF HAWAII, 1915, AND TO REPEAL SECTIONS 4092 AND 4094 THEREOF, CONCERNING LIBEL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4093 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 4093. Punishment. Whoever is guilty of the offense of making or publishing a libel shall be punished by a fine not exceeding one thousand dollars or by imprisonment at hard labor for not more than one year.”

SECTION 2. Sections 4092 and 4094 of the Revised Laws of Hawaii, 1915, are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of all of the elected members of the House of Representatives of the Territory of Hawaii, on this 27th day of March, A. D., 1923.

C. H. COOKE,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of all of the elected members of the Senate of the Territory of Hawaii, on this 28th day of March, A. D. 1923.

LAWRENCE M. JUDD,
President of the Senate.

ALBERT E. LLOYD,
Clerk of the Senate.

ACT 23

[H. B. No. 66]

AN ACT TO AMEND SECTION 4132 OF THE REVISED LAWS OF HAWAII, 1915, AND TO REPEAL SECTIONS 4131 AND 4133 THEREOF, CONCERNING COMMON NUISANCES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 4131 and 4133 of the Revised Laws of Hawaii, 1915, are hereby repealed.

SECTION 2. Section 4132 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 4132. Punishment. Whoever is guilty of the offense of common nuisance shall be punished by a fine not exceeding five hundred dollars or by imprisonment for not more than six months."

SECTION 3. This Act shall take effect upon its approval.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of all of the elected members of the House of Representatives of the Territory of Hawaii on this 27th day of March, A. D. 1923.

C. H. COOKE,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of all of the elected members of the Senate of the Territory of Hawaii on this 28th day of March, A. D. 1923.

LAWRENCE M. JUDD,
President of the Senate.

ALBERT E. LLOYD,
Clerk of the Senate.

ACT 24

[S. B. No. 6]

AN ACT TO AMEND SECTION 3382, REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 16, SESSION LAWS, 1919, AND TO AMEND SECTION 3380 OF SAID REVISED LAWS, RELATING TO FOREIGN CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3382 of the Revised Laws of Hawaii, 1915, as amended by Act 16 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 3382. Annual exhibit. Every such corporation or company, not eleemosynary, religious, literary, or educational, carrying on business in the Territory of Hawaii, shall on the first day of July of each year, file with the treasurer, a statement of all matters which are or may be required by law to be filed by Hawaiian corporations; provided, however, that no list of the stockholders of such corporation or company shall be required, except upon the joint request of the treasurer and governor."

SECTION 2. Section 3380 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3380. Annual license. No foreign corporation, except foreign insurance companies and foreign eleemosynary corporations solely carrying on charitable work in the Territory of Hawaii, which does not invest and use all its capital in this territory, shall have an office or offices in this territory for the use of its officers, stockholders, agents or employees, nor shall do any business of any nature whatsoever in this territory, unless it shall first have obtained from the treasurer an annual license to do so; and for said license, every such corporation shall pay into the treasury of the territory, for the use of the territory, annually, the sum of one hundred dollars, and the treasurer shall not issue a license to any corporation until said license fee shall have been paid.

The treasurer is hereby authorized to settle and have collected an account against any company violating the provisions of this section for the amount of such license fee, together with a penalty of fifty per centum for failure to pay the same. Provided, that no license shall be necessary for any corporation engaged solely in the business of foreign or interstate commerce, or while solely employed by the government of the United States."

SECTION 3. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 25

[H. B. No. 31]

AN ACT TO AMEND SECTIONS 3322 AND 3325 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO BANKING CORPORATIONS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 3322 and 3325 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

“Section 3322. Transfer of shares. The capital stock of any corporation formed under this chapter shall be divided into shares of equal value of an amount to be declared in the articles of incorporation, and the said shares shall be assignable on the books of the corporation, in such manner as its by-laws or articles of association shall prescribe.”

“Section 3325. Loans to stockholders. The stockholders of any corporation formed under this chapter shall at no time be allowed to be collectively indebted or liable to such corporation, either as principal debtors or as sureties, or both, to an amount greater than three-fifths of the capital stock actually paid in and surplus remaining and undiminished by losses or otherwise; nor shall the directors be so indebted or liable, except to such an amount and in such manner as shall be prescribed by the by-laws or articles of association of such corporation.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 26

[S. B. No. 15]

AN ACT TO AMEND CHAPTER 108, REVISED LAWS OF HAWAII, 1915, RELATING TO COUNTY GOVERNMENT, BY ADDING FOUR NEW SECTIONS NUMBERED 1602A, 1602B, 1602C, AND 1602D, REGULATING THE APPROPRIATION AND EXPENDITURE OF PUBLIC MONEY AND THE ADVERTISING OF BILLS AND RESOLUTIONS IN COUNTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 108 of the Revised Laws of Hawaii, 1915, relating to county government is hereby amended by adding four new sections, to be numbered and to read as follows:

“Section 1602A. Appropriation of Public Money. In the counties of Hawaii, Maui and Kauai, no county warrant shall be drawn and no county money shall be expended unless the same shall have been previously appropriated for the purpose by bill or resolution of the respective boards of supervisors, and unless such bill or resolution has been advertised in accordance with the provisions of the next section; provided, however, that, in cases of great necessity, the officers and heads of departments may, with the consent of the chairman or acting chairman of the respective boards of supervisors, expend such sums of money, not to exceed \$200.00, as shall be necessary to meet the requirements of such necessity.”

“Section 1602B. Advertisement of Bills and Resolutions. In said counties, every bill or resolution providing for any specific improvement, or involving the appropriation, lease or disposition of public property, the exercise of the power of eminent domain, the appropriation or expenditure of public money (except sums less than \$500.00), and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in a newspaper or newspapers, with the ayes and noes, at least once (Sundays and legal holidays excepted) before final action on the same. If such bill or resolution be substantially amended (such as by increasing or decreasing the amount of an appropriation, the quantity, kind or location of public property affected, or by altering the character of the new duty or penalty imposed, or by any substantial change), the bill or resolution as amended shall

be advertised for a like period before final action thereon. In case of appropriations and/or expenditures relating to sums less than \$500.00, which have been adopted or expended without prior advertisement, a monthly summary shall be advertised by the clerks of the respective counties, showing the respective dates, general purposes and amounts as indicated by the respective resolutions or emergency expenditures affecting the same."

"Section 1602C. Segregation of Budget. In applying the foregoing sections to the respective county budgets for the conduct of the regular and general offices and departments of the respective county governments, whether such budgets be for one year or for some lesser budget period, the bill or resolution appropriating the money for same shall contain as detailed a segregation as practicable, showing for what general purposes the money is appropriated for the various departments, and whether for salaries, for labor, for materials and supplies or for other definite purposes; provided, that nothing herein shall prevent the adoption of bills or resolutions from time to time (advertised as provided in the preceding section) for different amounts or for different purposes; and provided further, that in the event of any delay in appropriating for a new budget period at the end of an expired or expiring budget period, whether such delay be caused by the expiration of the term of office of any board of supervisors or by reason of delays in adoption of a new budget, appropriations of the general character and amount of the last preceding budget shall be deemed appropriated and available for the respective county offices and departments proportionately for a period of not more than thirty days after the expiration of the preceding budget period or after the commencement of the new terms of office of the respective boards of supervisors."

"Section 1602D. Penalty for Evading or Violating Preceding Sections. Any supervisor, officer, department head, or employee of any of said counties who shall violate or seek to evade or assist in the violation or evasion of the provisions of the foregoing sections, shall be guilty of a misdemeanor, and shall be deemed to have violated and be subject to the provisions and penalties provided in Section 1424, Revised Laws of Hawaii, 1915, as amended by Act 86 of the Session Laws of 1915."

SECTION 2. This Act shall take effect on and after July 1, 1923.

Approved this 2nd day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 27

[S. B. No. 31]

AN ACT MAKING ADDITIONAL APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE PERIOD ENDING JUNE 30TH, 1923.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums are hereby appropriated as additional appropriations for the objects hereinafter expressed, for the biennial period ending June 30th, 1923, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues:

THE GOVERNOR.

Expenses, entertainment	\$1,500.00
Purchase of automobile	4,200.00
Operation and maintenance of automobile..	600.00
	\$ 6,300.00

MILITARY DEPARTMENT

To reimburse Col. W. D. Potter for personal expenses while absent from the territory on public business during 1922.....	\$ 430.00
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THE SECRETARY

Expenses of Session Laws.....	\$ 7,000.00
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ATTORNEY GENERAL'S DEPARTMENT

Salary, second deputy attorney general, three months at \$300.00 per month.....	\$ 900.00
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TREASURY DEPARTMENT

Expenses, treasurer's office	\$1,250.00
Expenses, deputy bank examiner	700.00
Salaries, assistants to deputy bank examiner	1,275.00

To reimburse Abraham Lewis, Jr., for personal expenses while absent from the territory on public business during 1922..	630.00
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BUREAU OF TAXES.

Tax books and blanks	4,000.00
Expenses, tax appeals	1,500.00

FIRST TAXATION DIVISION, OAHU.

Commissions and expenses	3,000.00
Salaries, clerical assistants	2,775.00

SECOND TAXATION DIVISION, MAUI.

Salaries, clerical assistants	1,350.00
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THIRD TAXATION DIVISION, HAWAII.

Salaries, clerical assistants	1,050.00
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FOURTH TAXATION DIVISION, KAUAI.

Salary, clerical assistant 675.00 \$18,205.00

PUBLIC WORKS DEPARTMENT.

Maintenance government property, Oahu 10,000.00

BOARD OF HARBOR COMMISSIONERS.

Expenses, pilots, Honolulu 200.00

PUBLIC LANDS DEPARTMENT

Expenses 2,240.00

JUDICIARY.

Expenses \$1,000.00

Assistant stenographer, supreme court.... 450.00

Compiling, publishing and binding reports

2 volumes 4,000.00 \$ 5,450.00

TOTAL \$50,725.00

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 28

[S. B. No. 46]

AN ACT AMENDING SECTION 1688 OF THE REVISED LAWS OF
HAWAII, 1915, RELATING TO MUNICIPAL ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1688 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1688. The mayor shall issue his proclamation and publish the same in one or more newspapers of daily circulation in the City and County of Honolulu at least once not less than twenty days previous to the day in each year on which the city and county election is to be held under this charter, calling upon

the electors of the city and county to meet for the purpose of electing such officers as are provided for in this charter, reciting in such proclamation the different officers to be elected at such election."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 29

[S. B. No. 47]

AN ACT RELATING TO ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That in precincts of more than five hundred registered voters, the board of election inspectors of such precincts shall be authorized and empowered to employ a clerk to assist in the work of the board, such clerk to be a registered voter of such precinct and shall be paid out of such appropriations as may be made by the legislature for election purposes, in the case of territorial elections, and out of such appropriations as may be made by the boards of supervisors of each county or city and county, in the case of county or city and county elections, the sum of fifteen dollars for each election.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 30

[S. B. No. 48]

AN ACT TO AMEND SECTION 118 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 118 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 118. Tabulation; certificate of election. Immediately upon receiving the returns of election from the several boards of election inspectors of any election district, the secretary of Hawaii shall immediately tabulate such returns, and ascertain the result of such election in such district. Such tabulation, when completed, shall be published at least once in a daily or weekly paper of general circulation in the City and County of Honolulu and all other counties in the Territory of Hawaii. The number of persons to be elected receiving the highest number of votes in any election district shall be declared to be elected, and the secretary of Hawaii shall immediately deliver to the persons elected certificates of election."

SECTION 2. This Act shall take effect upon its approval.
Approved this 2nd day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 31

[S. B. No. 50]

AN ACT TO AMEND SECTION 68 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 68 of the Revised Laws of Hawaii, 1915, as amended by Section 4 of Act 99 of the Session Laws of 1919, is hereby amended to read as follows:

“Section 68. Closing register; list of electors. At midnight immediately preceding the third Wednesday before each general election, and fourth Wednesday before each special or primary election, the general county register shall be closed to registration and remain closed until after such election, subject to change only as provided in Section 64, provided, however, that in the County of Kauai, the general county register shall be closed to registration in the manner herein provided at eight o'clock in the evening. Immediately upon the closing of the general county register, the clerk shall proceed to prepare a list of all electors in each precinct separately. Such list shall contain in alphabetical order the names of all electors so registered in each precinct and the residence of each. At least three copies of such lists, when completed, shall at least seven days before the day of any election, be transmitted by the clerk to the chairman of the inspectors of election of the appropriate precincts.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 32

[S. B. No. 13]

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE PAYMENT
OF CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII
INCURRED PRIOR TO JUNE 30, 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums amounting to two thousand three hundred and fifty-two dollars and eighty-six cents (\$2,352.86) are hereby appropriated to be paid out of any moneys received in the treasury of the Territory of Hawai'i from the general revenues for the settlement of the following claims against the territory.

MILITARY DEPARTMENT

American Factors, Limited	\$680.91
Hilo Iron Works	69.50
Patten Company, Limited	3.75
Mutual Telephone Company, Limited.....	9.70
Mutual Telephone Co. (Wireless Dept.).....	9.85
Oahu Ice & Cold Storage Company.....	1.90
Rycroft-Arctic Soda Company	6.75
Inter-Island Steam Navigation Co., Ltd.....	73.60
The Hawaiian Electric Company, Ltd.....	1.00
The Hawaiian Electric Company, Ltd.....	142.08
The Hawaiian Electric Company, Ltd.....	1.50
Hilo Hotel, Limited	15.00
H. F. Wichman & Co., Ltd.....	63.00
	————
	\$1,078.54

PUBLIC LANDS DEPARTMENT

M. de F. Spinola	50.00
George C. Hewitt	10.00
Richard H. Whittington	10.00
Robert L. Wilhelm	10.00
	————
	80.00

BOARD OF HEALTH

Advertiser Publishing Company	6.00
Maui Publishing Company	1.00
	————
	7.00

PUBLIC WORKS DEPARTMENT

American Factors, Limited	225.00
	————
	225.00

BOARD OF HARBOR COMMISSIONERS

Inter-Island Steam Navigation Co., Ltd.....	21.50
Volcano Stables & Transportation Co.	3.70
George W. McConnachie	16.25
Hawaii Consolidated Railway Co.....	10.00
Howard W. Laws	218.25
J. B. Agassiz	29.35
J. B. Agassiz .....	.35
	299.40

BOARD OF INDUSTRIAL SCHOOLS

Catton, Neill & Co., Ltd.....	222.30
Hawaiian Trust Co., Limited	13.33
Hawaiian Trust Co., Limited	3.33

238.96

ATTORNEY GENERAL'S DEPARTMENT

Matson Navigation Co.	125.00
	125.00

TREASURY DEPARTMENT

J. M. Keanu	15.03
A. C. Gibb	39.90
R. F. Clarke	13.65
Stanley Beardmore	230.38
	298.96
Total	\$2,352.86

SECTION 2. The sums hereinbefore appropriated shall become immediately available and shall be paid to the said parties upon their filing with the auditor of the territory approved vouchers covering the respective amounts.

SECTION 3. This Act shall take effect upon its approval.

Approved this 7th day of April, A.D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 33

[S. B. No. 17]

AN ACT MAKING APPROPRIATIONS FOR THE RELIEF OF JOHN A. ROBINSON, PIONEER MILL COMPANY'S LAHAINA STORE AND E. O. HALL & SON, LTD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five hundred and twenty-five dollars and twenty cents (\$525.20) is hereby appropriated out of any moneys in the treasury of the territory, not otherwise appropriated, for payment to John A. Robinson to reimburse said John A. Robinson for expenses incurred in the labor payroll for placing the ceiling on the Lahaina Armory, Lahaina, Maui.

SECTION 2. In addition to the sum hereinbefore appropriated, the sum of six hundred and thirty dollars (\$630.00) is hereby appropriated out of any moneys in the treasury of the territory, not otherwise appropriated, for payment to John A. Robinson to reimburse the said John A. Robinson for expenses incurred for labor payroll in painting the Lahaina Armory, Lahaina, Maui.

SECTION 3. The sum of one thousand two hundred ninety-nine dollars and thirty-one cents (\$1,299.31) is hereby appropriated out of any moneys in the treasury of the territory, not otherwise appropriated, for the payment of supplies for the Lahaina Armory, as follows:

Pioneer Mill Company's Lahaina Store.....	\$730.75
E. O. Hall & Son, Ltd.....	568.56
	—
	\$1,299.31

SECTION 4. The sums hereinbefore appropriated shall become immediately available and shall be paid to the said John A. Robinson, Pioneer Mill Company's Lahaina Store, and E. O. Hall & Son, Limited, upon their filing with the auditor of the Territory of Hawaii approved vouchers covering the respective amounts; provided, however, that the said John A. Robinson shall file, in addition, an affidavit showing that each of the laborers included in the respective payrolls had been paid, such affidavit to be accompanied by a full and complete release by the said John A. Robinson to

the Territory of Hawaii of all claims in connection with either or both of the matters hereinabove set forth.

SECTION 5. This Act shall take effect upon its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 34

[H. B. No. 44]

AN ACT TO AMEND SECTION 309 OF THE REVISED LAWS OF HAWAII, 1915, CONCERNING THE DISPOSITION OF FUNDS ARISING FROM AGRICULTURAL AND INDUSTRIAL PURSUITS AT THE LAHAINALUNA SCHOOL AND THE BOYS' AND GIRLS' INDUSTRIAL SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 309 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 309. Disposition of funds. All moneys arising from agricultural and industrial pursuits at the Lahainaluna School and the Boys' and Girls' Industrial Schools, respectively, except such moneys as, under the rules of said schools, go to the pupils earning the same, shall, upon receipt thereof, be paid into the territorial treasury for any use of those several schools, respectively, in addition to the specific appropriations, to be expended by the respective boards in charge of these schools in the discretion of the board.”

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 35

[H. B. No. 175]

AN ACT TO AMEND SECTION 1432 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE DUTIES OF THE ATTORNEY GENERAL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1432 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1432. Accounts to treasurer. He shall account to the treasurer every three months for all fees, bills of costs, fines, penalties, and other moneys received by him, by virtue of his office and shall make a biennial report to the legislature of the transactions and business of his department, showing the revenues and expenditures of all departments under his control, for the preceding two years, which report shall show the number of prisoners who may be confined or committed to the Oahu Prison from time to time and the cost of their maintenance per capita.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 36

[H. B. No. 179]

AN ACT TO AMEND SECTION 4013 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO FALSE IMPERSONATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4013 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 4013. By G. A. R. or other badge; punishment. Any person who shall unlawfully wear the badge adopted by the national encampment of the Grand Army of the Republic or the badge adopted by the American Legion, as a mark of membership, or the official badge of any lawfully organized fraternal society, or the official badge of the United Spanish War Veterans, or who shall wear the same to obtain aid or assistance thereby, unless he shall be entitled to wear the same under the rules and regulations of the order in which he so claims membership, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment in jail for a term not to exceed twenty days, or by a fine not to exceed twenty dollars, or by both."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 37

[H. B. No. 185]

AN ACT TO AMEND SECTION 3093 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO OFFICE HOURS OF BUREAU OF CONVEYANCES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3093 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3093. Instruments recorded as of time of delivery. Office hours. Every instrument entitled by law to be recorded, shall be recorded in the order and as of the time when the same is delivered to the registrar of conveyances for that purpose, and

shall be considered as recorded from the time of such delivery; provided, however, that it shall not be lawful for said registrar to accept or enter for record and record any such instrument or other paper on any Sunday or legal holiday, or on any Saturday except between the hours of 8:00 a. m. and 12 noon, or on any other day except between the hours of 8:00 a. m. and 4:00 p. m."

SECTION 2. This Act shall take effect upon its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 38

[H. B. No. 192]

AN ACT TO REPEAL SECTIONS 1823 AND 1824 OF THE REVISED
LAWS OF HAWAII, 1915, RELATING TO SIGNS AND AWNINGS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1823 and 1824 of the Revised Laws of Hawaii, 1915, are hereby repealed.

SECTION 2. This Act shall take effect July 1st, 1923.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 39

[H. B. No. 199]

AN ACT TO AMEND SECTION 1 OF ACT 179 OF THE SESSION LAWS OF 1921, RELATING TO THE CONSTRUCTION OF ROADS WITHIN THE KIOLAKAA AND KEAA HOMESTEAD TRACT, IN THE DISTRICT OF KAU, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 179 of the Session Laws of 1921, is hereby amended to read as follows:

"Section 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of a road within the Kiolakaa and Keaa homestead tract, in the District of Kau, County of Hawaii, beginning at the present belt road running through said tract and running makai towards the old belt road."

SECTION 2. This Act shall take effect upon its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 40

[H. B. No. 202]

AN ACT PROVIDING PAYMENT TO LIHUE PLANTATION COMPANY, LIMITED, FOR MACADAMIZING AHUKINI ROAD, KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby authorized and directed to draw a warrant upon the treasurer of the Territory of Hawaii, payable to the order of the Lihue Plantation Company, Limited, for the sum of twenty-nine thousand four hundred dollars (\$29,400.00), and to deliver the said warrant to the Lihue Plantation Company, Limited.

SECTION 2. The said sum shall be paid from loan funds allotted and now available for the project for which provision was made in item 53 of Act 218 of the Session Laws of 1921, the said item reading:

"Macadamizing Ahukini Road \$30,000.00."

SECTION 3. This Act shall take effect upon its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 41

[H. B. No. 203]

AN ACT RELATING TO FISHING IN THE WAIKIKI RECLAMATION
CANAL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful for any person to fish in the waters of the Waikiki Reclamation Canal with any device whatsoever, except one line, or one rod and line, provided that such line shall in no case have more than two hooks.

SECTION 2. Any person who shall violate the provisions of this Act shall upon conviction be fined not more than one hundred dollars (\$100.00) nor less than twenty dollars (\$20.00) or be imprisoned for not more than six (6) months.

SECTION 3. This Act shall take effect upon its approval.

Approved this 7th day of April, 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 42

[H. B. No. 83]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF PERSONS RELEASED FROM THE KALIHI RECEIVING STATION AND THE LEPER SETTLEMENT ON MOLOKAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of forty-five thousand dollars (\$45,000.00) is hereby appropriated out of any available funds for the relief of indigent persons released from the Kalihi Receiving Station or from the Leper Settlement on Molokai.

SECTION 2. Immediately upon the release of any person who in the opinion of the board of health is indigent from the Kalihi Receiving Station or from the Leper Settlement on Molokai, the board of health shall give to such person a certificate of release.

SECTION 3. Upon presentation of said certificate to the auditor of the territory, he shall draw a warrant in favor of the holder of said certificate in the sum of sixty dollars (\$60.00) immediately and shall further pay by warrant to such holders the sum of thirty dollars (\$30.00) monthly thereafter for the three months following.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 7th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 43

[S. B. No. 35]

AN ACT TO AMEND SECTION 1517 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO COUNTY GOVERNMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1517 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

“Section 1517. Time of election and taking office. All general elections of officers of the Counties of Hawaii, Maui and Kauai shall be held on the first Tuesday after the second Monday in the month of November, in the year 1923, and every second year thereafter, and such officers shall take office at 12 o'clock meridian on the 2nd day in the month of January following their election, unless such day be a Sunday, in which case they shall take office on the 3rd day of such month. The officers of said counties elected shall hold office until their successors shall be elected and qualified.

“The expenses of such elections shall be paid by the respective counties in which they are held.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 44

[S. B. No. 64]

AN ACT AMENDING SECTION 2 OF ACT 185, SESSION LAWS OF 1917, RELATING TO REPAIRING AND RECONSTRUCTION OF THE EMBANKMENT OF THE WAIAMEA RIVER, ISLAND OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 185, Session Laws of 1917, is hereby amended so as to read as follows:

REPAIRING OF EMBANKMENT OF WAIIMEA
RIVER. [ACT 44]
ROADS IN KAAUHUHU HOMESTEADS, NORTH
KOHALA. [ACT 45]

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“Section 2. The said sum of fifty thousand dollars (\$50,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the superintendent of public works, who shall have charge of the building, repairing and reconstruction of said embankment; provided, that the superintendent of public works shall contract for the construction of said embankment if a satisfactory bid can be obtained; but in case a satisfactory bid cannot be obtained or no bids are received the superintendent of public works is hereby authorized to perform the work by day labor, but in no case shall the sum spent be in excess of fifty thousand dollars (\$50,000.00).”

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 45

[S. B. No. 68]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF
ROADS IN THE KAAUHUHU HOMESTEADS, SERIES 1 AND 2,
NORTH KOHALA, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads in the Kaauhuhu Homesteads, Series 1 and 2, North Kohala, County of Hawaii.

SECTION 2. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said roads. The commissioner of public lands shall contract for the construction of said roads, but shall in no case contract for an amount in excess of fifteen thousand dollars (\$15,000.00).

SECTION 3. The amount hereby appropriated shall become available, and the construction of said roads shall be commenced as soon as the contract for such construction shall be entered into.

SECTION 4. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated, or as much thereof as may be expended under the provisions of this Act, shall be repaid into the general fund of the treasury of the Territory of Hawaii from the proceeds of sales of public lands on the Island of Hawaii.

SECTION 5. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 46

[H. B. No. 46]

AN ACT TO AMEND SECTIONS 8 AND 9 OF ACT 225 OF THE SESSION LAWS OF 1919, AS AMENDED BY ACT 217 OF THE SESSION LAWS OF 1921, RELATING TO THE "FARM LOAN ACT OF HAWAII."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 8 of Act 225 of the Session Laws of 1919, as amended, is hereby further amended to read as follows:

"Section 8. Farm loan revolving fund. That there be, and hereby is, appropriated from the general fund of the Territory of Hawaii, the sum of one hundred thousand dollars (\$100,000.00) and from the farm loan surplus fund hereinafter mentioned the additional sum of six hundred and fifty thousand dollars (\$650,000.00) to be loaned by the farm loan board of Hawaii, under the provisions of this Act, which fund shall be known as the 'Farm Loan Revolving Fund.'"

SECTION 2. The words and figures "four hundred thousand dollars (\$400,000.00)" in line 17 of the second paragraph of Sec-

tion 9 of Act 225 of the Session Laws of 1919, as amended by Section 5 of Act 217 of the Session Laws of 1921, is hereby further amended to read "six hundred and fifty thousand dollars (\$650,000.00)".

SECTION 3. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 47

[H. B. No. 133]

AN ACT TO AMEND SECTION 262 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 72 OF THE SESSION LAWS OF 1919, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 262 of the Revised Laws of Hawaii, 1915, as amended by Act 72 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 262. Appointment, removal. The department may, from time to time, appoint and remove such officers, agents and servants as may be necessary for carrying out the purposes of this chapter, and regulate their duties, powers and responsibilities, when not otherwise provided by law.

"Provided, however, that in the appointment of teachers, preference shall be given to local teachers of the same standing, grade or rating as those from abroad. And provided further, that the rating and tenure of office of a teacher shall not depend upon the number of pupils promoted or graduated, but solely upon the length of service, efficiency and ability of such teacher."

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 48

[H. B. No. 190]

AN ACT TO AMEND SECTION 668A OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO EMINENT DOMAIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 668A of Chapter 48 of the Revised Laws of Hawaii, 1915, as enacted by Act 63 of the Session Laws of 1919, is hereby amended to read as follows:

“Section 668A. Exercise of power by county or city and county. Whenever the board of supervisors of any county or city and county shall deem it advisable or necessary to exercise the right of eminent domain in the furtherance of any governmental power heretofore or hereafter granted, such proceedings may be instituted as provided in Section 669, as amended, after such board of supervisors has authorized such suit by resolution duly passed and approved. Such resolution, in the case of the City and County of Honolulu, shall, after its introduction, be published in a newspaper or newspapers, with the ayes and noes, for at least three successive days (Sundays and legal holidays excepted) before final action upon the same, and in the case of other counties, be published in a newspaper, with the ayes and noes, for at least one day (Sundays and legal holidays excepted) before final action upon the same.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 49

[H. B. No. 48]

AN ACT FOR THE RELIEF OF THE ALOHA CIRCLE OF THE KING'S
DAUGHTERS AND SONS OF HILO, HAWAII.

WHEREAS, the Aloha Circle of the King's Daughters and Sons of Hilo was by Act 73 of the Session Laws of 1921 exempted from taxation on both real and personal property, which Act was approved on April 8, 1921, and effective upon its approval; and

WHEREAS, there was wrongfully collected by the tax assessor of the Island of Hawaii the sum of one hundred ninety-seven and 25/100 dollars (\$197.25) as taxes on real and (or) personal property from the said Aloha Circle of the King's Daughters and Sons of Hilo, Hawaii, for the year 1921; therefore

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to appropriate and pay the sum of one hundred ninety-seven and 25/100 dollars (\$197.25) to the Aloha Circle of the King's Daughters and Sons of Hilo, which sum was wrongfully collected for taxes for the year 1921.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 50

[H. B. No. 51]

AN ACT TO PROVIDE FOR THE APPROPRIATION OF THREE THOUSAND DOLLARS (\$3,000.00) TO BE IMMEDIATELY AVAILABLE FOR THE PURCHASING OF LAW BOOKS FOR THE USE OF THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized, empowered and directed to appropriate the sum of three thousand dollars (\$3,000.00) out of any balance in the general fund of the treasury of the County of Hawaii, not otherwise appropriated or contracted for, for the purpose of purchasing law books for the circuit court of the fourth judicial circuit.

SECTION 2. The amount of money appropriated by this Act shall become available upon the approval of the Act, and shall be expended and paid out upon proper claim therefor duly certified to by the circuit judge of the fourth judicial circuit.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 51

[H. B. No. 146]

AN ACT APPROPRIATING THE SUM OF ONE THOUSAND ONE HUNDRED SEVENTY-FOUR DOLLARS AND THIRTY-EIGHT CENTS (\$1,174.38) FOR THE RELIEF OF CERTAIN EMPLOYEES OF THE SANITARIUM AND THE PAY OF SUBSTITUTES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand one hundred seventy-four dollars and thirty-eight cents (\$1,174.38), is hereby appropriated out of the general revenues of the Territory of Hawaii, for the

RELIEF EMPLOYEES OF SANITARIUM AND PAY
SUBSTITUTES.

[ACT 51]

RELIEF EMPLOYEES OF OAHU INSANE ASYLUM
AND PAY SUBSTITUTES.

[ACT 52]

purpose of refunding to E. Kane, \$164.77; A. Friedersdorff, \$164.77; M. Joseph, \$164.77, making a total of \$494.31, and for the pay of substitutes the sum of six hundred eighty dollars and seven cents (\$680.07), while the following regular employees, W. Pirrie, A. Y. Awa, Wah Lee and Lau Yuk, take their vacations to which they are entitled by law.

SECTION 2. These amounts shall be certified to by the proper officials of the board of health, and (or) the insane asylum.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 52

[H. B. No. 147]

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND ONE HUNDRED AND TWENTY DOLLARS AND EIGHTY-FOUR CENTS (\$2,120.84) FOR THE RELIEF OF CERTAIN EMPLOYEES OF THE OAHU INSANE ASYLUM AND THE PAY OF SUBSTITUTES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand one hundred twenty dollars and eighty-four cents (\$2,120.84) is hereby appropriated out of the general revenues of the Territory of Hawaii, for the purpose of refunding to M. Umi, \$79.26; L. Na-o, \$79.26; and H. Pauahi, \$79.26, making a total of \$237.78, and for the pay of substitutes the sum of one thousand eight hundred eighty-three dollars and six cents (\$1,883.06), while the following regular employees, L. Armstrong, L. K. Norton, E. R. Kapuuala, L. K. Jones, M. Umi, L. Na-o, H. Pauahi, S. Ioane, M. Waipa, M. Parker, E. K. Busch, G. Lokai, Leoma, Lu Chock, T. Koyama and Lau Sung, take their vacations to which they are entitled by law.

SECTION 2. These amounts shall be certified to by the proper officials of the board of health, and (or) the Oahu Insane Asylum.

PAYMENT OF TAXES, FEES AND ASSESSMENTS
BY CORPORATIONS, ETC., BEFORE ALLOWING
DISSOLUTION.

ACT 53]

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SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 53

[H. B. No. 184]

AN ACT TO PROVIDE FOR THE PAYMENT OF ALL TAXES, IMPOSTS, LICENSE FEES AND ASSESSMENTS, BY CORPORATIONS AND CO-PARTNERSHIPS PRIOR TO THE ALLOWANCE OF THEIR DISSOLUTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. No certificate showing the allowance of the dissolution of any corporation or of any copartnership organized or acting under the laws of the Territory of Hawaii shall be allowed or (and) issued by any governmental authority in the territory until and after the presentation of a valid certificate showing that all of the taxes, imposts, license fees and assessments theretofore levied upon, due and payable by any such corporation or copartnership, to the territory or (and) any of its municipal subdivisions, have been fully paid and discharged. Provided, however, that this section shall not apply to certificates issued in accordance with Act 57 of the Session Laws of 1915.

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 54

[H. B. No. 11]

AN ACT TO AMEND SECTION 1798 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 164 OF THE SESSION LAWS OF 1915, ACT 239 OF THE SESSION LAWS OF 1917, AND ACT 75 OF THE SESSION LAWS OF 1921, RELATING TO CONTRACTS, BIDS AND BONDS FOR CONSTRUCTION WORK UNDER THE IMPROVEMENT STATUTES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1798 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915, Act 239 of the Session Laws of 1917 and Act 75 of the Session Laws of 1921, is hereby further amended to read as follows:

"Section 1798. Contract, bids, bonds. All improvements made under the provisions of Sections 1793 to 1813, inclusive, of this chapter, shall be constructed under contract let to the lowest responsible and reliable bidder therefor, after public advertisement by the supervisors in some newspaper of general circulation published in said city and county twice a week for not less than two weeks; the supervisors may either let the work as an entire contract, or, in their discretion, make one or more contracts separately for the different kinds of work to be performed, or for the improvement of different highways or parts of highways to be improved under one proceeding. No bid shall be considered unless accompanied by a certified check, or its equivalent, payable to and in favor of the city and county, for not less than five per centum (5%) of the amount of the bid, which check, or its equivalent, shall be forfeited to the city and county, unless the successful bidder shall sign the contract and furnish an approved bond within the time specified by the board. No bid in excess of the estimated costs shall be accepted by the supervisors without the written and acknowledged approval of the owners of at least sixty per centum (60%) of the frontage or area to be assessed, as the case may be; and the supervisors shall have the right to reject any and all bids and in such case to readvertise for tenders if they deem it advisable to do so. But no contract shall be made without a bond to the city and county for the faithful performance of such contract in an amount not less than fifty per centum (50%) of the contract price, with at least two sufficient sureties, each of whom shall be worth not less than the full amount of the

bond over and above all property exempt from execution, and who shall, upon the written demand of the supervisors or of any owner of property subject to assessment, be required to justify thereon on an examination under oath before the board; instead of personal sureties, a duly qualified surety company may be substituted as provided by law. If upon such examination any surety shall be held insufficient, a new bond with sufficient sureties shall be filed by the successful bidder within the time specified and allowed by the board, or the contract to him and the deposit shall be forfeited. Upon the contract being signed and a sufficient bond furnished as aforesaid, the deposit made with the bid shall be returned to the contractor. Any other method of letting contracts shall be illegal and void.

"The board of supervisors may, any other provision of the law to the contrary notwithstanding, let said contract without having the total amount of the contract price available, and if the completion of the said contract will extend beyond the fiscal year in which the same is executed it may be let without the said board of supervisors appropriating the total amount the city and county is obliged to pay towards the contract price. In the latter event, however, the city and county must have available and appropriated at the time of letting the said contract, if the same is to be completed during the next succeeding fiscal year, at least fifty per centum (50%) or if the same by its terms is not to be completed until beyond the next succeeding fiscal year at least thirty-three and one-third per centum (33 1/3%) of the amount the city and county is obliged to pay toward the contract price and the balance shall in the first event be a first charge on the revenues of the city and county for the next succeeding fiscal year and in the latter event to be a first charge on the revenues of each of the next two succeeding fiscal year in the amount that the same will be required during said fiscal years but in an amount of not less than fifty per centum (50%) of said balance at the beginning of the first succeeding fiscal year and the remainder at the beginning of the second succeeding fiscal year. Said contract shall not be legal unless, before it is let, the said board of supervisors by resolution provides for the automatic appropriation at the beginning of the next succeeding fiscal years the amounts herein made a first charge on the revenues of the city and county for said fiscal year and the auditor of the city and county shall make the appropriations on his books as by said resolution provided."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 55

[H. B. No. 196]

AN ACT TO AMEND CHAPTER 130 OF THE REVISED LAWS OF HAWAII, 1915, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 2258A, RELATING TO THE SUPREME COURT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 130 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto a new section to be known as Section 2258A, and to read as follows:

“Section 2258A. If all of the justices of the supreme court shall be disqualified from sitting in any cause pending before the supreme court, or shall be unable to attend from sickness, accident, absence, or any other reason, their places for the trial and determination of such cause shall be filled by circuit judges who have had no connection with the said cause either as counsel or in an official capacity, and who are not otherwise disqualified, and who are not unable to attend from sickness, accident, absence, or any other reason, thereunto authorized by the written request of the justices or two of them.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 56

[S. B. No. 22]

AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN BILLS FROM THE SCHOOL FUND FOR THE BIENNIAL PERIOD ENDING DECEMBER 31, 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby authorized and directed to draw warrants upon the treasurer for the payment from the school fund for the biennial period ending December 31, 1923, of the following bills incurred prior to December 31, 1921, such payments to be made out of the respective appropriations to which they are properly chargeable:

Carrie A. Thompson.....	\$ 19.40
Hawaiian Transfer Company.....	\$94.00
Hawaiian Transfer Company.....	96.95
	190.95

Kohala Club & Transportation Co.....	10.06
Kohala Club & Transportation Co.....	2.31
Kohala Club & Transportation Co.....	49.38
Tom De Aguiar.....	13.60
Hawaiian Transfer Company.....	181.60
	256.95

Kohala Club & Transportation Co.....	9.00
Kohala Club & Transportation Co.....	5.81
J. J. Nobriga.....	7.40
	22.21

E. O. Hall & Son, Limited.....	79.68

Total	\$569.19

Provided, however, that the payments above mentioned shall be made only after the filing of proper vouchers.

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 57

[S. B. No. 23]

AN ACT MAKING AN APPROPRIATION TO PAY CLAIMS OF JOHN K. HARBOTTLE, KOICHI SUGIYAMA AND BERT TARPLEY FOR TRANSPORTATION OF PUBLIC SCHOOL CHILDREN TO AND FROM NIULII TO HONOMAKAU SCHOOL AND FROM HOEA TO HONOMAKAU SCHOOL, IN NORTH KOHALA, COUNTY OF HAWAII, AND FROM PUUKAPU HOMESTEADS TO WAIIMEA SCHOOL, IN SOUTH KOHALA, COUNTY OF HAWAII, AND ANTOINE C. AMORINO, KONA SUPPLY COMPANY, LIMITED, AND JOHN CORDEIRO, FOR TRANSPORTATION OF PUBLIC SCHOOL CHILDREN TO AND FROM KONA-WAENA JUNIOR HIGH SCHOOL IN KONA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the treasury received from the general revenues the sum of three thousand one hundred fifty-eight and 50/100 dollars (\$3,158.50) to pay the persons herein named, in the amounts set opposite their respective names, for transporting public school children to and from Niulii to Honomakau school, to and from Hoea to Honomakau school, in North Kohala, County of Hawaii, and to and from Puukapu Homesteads to Waimea school, in South Kohala, and for transporting public school children to and from Kona-waena Junior High School in Kona, County of Hawaii, during the months of September, October, November and December, 1922.

John K. Harbottle.....	\$816.00
Koichi Sugiyma	406.25
Bert Tarpley	406.25
Antone C. Amorino.....	540.00
Kona Supply Company, Limited.....	450.00
John Cordeiro	540.00

SECTION 2. The tax assessor of the County of Hawaii shall, in the year 1924, add to the tax rate of his taxation division to produce the sum of three thousand one hundred fifty-eight and 50/100 dollars (\$3,158.50) which said sum of money shall be repaid into the general revenues of the territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 58

[S. B. No. 37]

AN ACT TO PROVIDE FOR INVESTIGATIVE WORK IN CONNECTION WITH A PROPOSED WHARF AT MAHUKONA, DISTRICT OF NORTH KOHALA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated from the general revenues of the territory—to be expended under the direction of the Board of Harbor Commissioners—for investigative work to determine the feasibility of a wharf at Mahukona, District of North Kohala, County of Hawaii, and for the making of a detailed report thereon, by the Board of Harbor Commissioners to the Legislature of the Territory of Hawaii, at this session or at its next regular session.

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 59

[S. B. No. 45]

AN ACT TO AMEND SECTION 84 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 5 of Section 84 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“No person other than the election officers, such clerk or clerks as are allowed by law to certain boards of election inspectors, and

voters in the act of preparing their votes, or voting, shall be admitted within said rail, except by authority of the inspectors for the purpose of keeping order and enforcing the law."

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 60

[S. B. No. 53]

AN ACT TO TRANSFER FROM THE CURRENT FUND TO THE HAWAIIAN HOME LOAN FUND THE EQUIVALENT OF MONEYS ERRONEOUSLY DEPOSITED TO THE CREDIT OF THAT LATTER FUND, EXPENDED THEREFROM AND REPAYABLE TO THE CURRENT FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby authorized to transfer the sum of eleven thousand sixty-six dollars and ninety-five cents (\$11,066.95) from the Current Fund to the Hawaiian Home Loan Fund, the said sum being the equivalent of moneys erroneously deposited to the credit of the latter fund, expended therefrom and repayable to the Current Fund.

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 61

[S. B. No. 65]

AN ACT TO REIMBURSE PRINCESS ELIZABETH K. KALANIANAOLE FOR EXPENSES INCURRED IN CONVERTING THE OLD MAUSOLEUM INTO A CHAPEL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand eight hundred eighty-four and 25/100 dollars (\$1,884.25) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for payment to Princess Elizabeth K. Kalanianaole to reimburse the said Princess Elizabeth K. Kalanianaole for expenses incurred by her for labor payroll and materials used in converting the old mausoleum at Nuuanu into a chapel for religious worship.

SECTION 2. The sum herein appropriated shall become immediately available and the treasurer is hereby authorized and directed to pay the same to the said Princess Elizabeth K. Kalanianaole upon a warrant issued by the auditor as soon as she files with said treasurer an affidavit showing that the laborers in the respective payrolls, and the materials delivered, have been paid, such affidavit to be accompanied by a full and complete release by the said Princess Elizabeth K. Kalanianaole to the Territory of Hawaii of all claims in connection with either or both of the matters hereinabove set forth.

SECTION 3. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 62

[S. B. No. 83]

AN ACT TO REIMBURSE THE MAUI DRUG COMPANY, LIMITED; ALEXANDER & BALDWIN, LIMITED; W. H. McINERNY; ELLA McINERNY; E. A. McINERNY; J. D. McINERNY; R. W. T. PURVIS; VIOLET M. ATHERTON; MRS. FRANK E. MIDKIFF; LAURA A. MORGAN; JULIETTE M. GUARD; H. F. WICHMAN & COMPANY, LIMITED, AND LAUPAHOEHOE SUGAR COMPANY, LIMITED, FOR INCOME TAXES IMPROPERLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated out of any moneys received in the treasury from the general revenues of the Territory of Hawaii, to be paid to the respective persons and corporations, to reimburse them for income taxes improperly collected.

The Maui Drug Company, Limited.....	\$ 612.40
Alexander & Baldwin, Limited.....	1,616.85
W. H. McInerny.....	1,388.95
Ella McInerny	1,475.65
E. A. McInerny.....	1,495.00
J. D. McInerny.....	1,490.00
R. W. T. Purvis.....	680.00
Violet M. Atherton.....	406.00
Mrs. Frank E. Midkiff.....	472.50
Laura A. Morgan.....	426.00
Juliette M. Guard.....	433.20
H. F. Wichman & Company, Limited.....	578.45
Laupahoehoe Sugar Company, Limited.....	20,829.85

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 63

[S. B. No. 114]

AN ACT PROVIDING AN APPROPRIATION OF FIFTEEN HUNDRED NINETY DOLLARS (\$1590.00) FOR THE PURCHASE OF ONE TRACTOR, AND OUTFIT COMPLETE FOR THE USE OF THE BOYS' INDUSTRIAL SCHOOL, AT WAIALEE, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifteen hundred ninety dollars (\$1590.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the purpose of purchasing one tractor, with gang plow, harrows, complete, for the use of the Boys' Industrial School, at Waialeee, Oahu.

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 64

[H. B. No. 101]

AN ACT AUTHORIZING THE PAYMENT TO BENJAMIN K. KA-NE OF A PORTION OF HIS SALARY AS CLERK IN THE DEPARTMENT OF PUBLIC WORKS OF THE TERRITORY OF HAWAII DURING ILLNESS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to pay on warrants drawn by the auditor based on vouchers approved by the superintendent of public works of the territory, to Benjamin K. Ka-ne, the sum of one hundred dollars (\$100.00) per month, commencing with the month of March, 1923, and continuing during his incapacity as certified to by a competent physician, but not longer than June 30, 1923.

SECTION 2. Appropriations required under this Act are hereby appropriated out of any moneys in the treasury of the territory, not otherwise appropriated.

SECTION 3. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 65

[H. B. No. 111]

AN ACT RELATING TO SALES AND EXCHANGES BY GUARDIANS OF REAL ESTATE OF VALUE NOT EXCEEDING ONE THOUSAND DOLLARS, AMENDING SECTION 3059A OF THE REVISED LAWS OF HAWAII, 1915, AS ENACTED BY ACT 31 OF THE SESSION LAWS OF 1917.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3059A of the Revised Laws of Hawaii, 1915, as enacted by Act 31 of the Session Laws of 1917, is hereby amended to read as follows:

“Section 3059A. When value does not exceed one thousand dollars. When the petition of any guardian for a license to sell or exchange real estate shall allege, and the judge having jurisdiction of the matter shall find, that such real estate does not exceed in value the sum of one thousand dollars, the judge, upon a hearing after such notice thereof as he shall prescribe, may grant a license for such sale or exchange; and, in case of a sale, he may prescribe whether the sale shall be public or private, and, if public, what notice thereof shall be given, and in either case he may require the guardian to give a bond and/or take an oath as provided in Sections 3056 and 3057. The notice of hearing or of sale may be by advertisement in a newspaper, by posting, by mailing or otherwise, as the judge may prescribe. Any sale or exchange made pursuant to the provisions of this section shall be

as valid as if the ward had been competent to make and had made the sale or exchange in person, notwithstanding any other provision of this chapter."

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 66

[H. B. No. 254]

AN ACT TO AMEND SECTION 92 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ELECTION BALLOTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 92 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 92. Arrangement of names, etc. The names of the candidates shall be placed upon the ballot in alphabetical order. A horizontal line shall be ruled between each name and its equivalent, if any, and the next name. Immediately after all the names, on the right hand side of the ballot, two vertical lines shall be ruled, so that, in conjunction with said horizontal lines, a rectangular space shall be inclosed opposite each name and its equivalent, if any, of sufficient size to give ample room in which to designate the choice of the voter in the manner in this chapter prescribed. All of the names upon a ballot shall be placed at a uniform distance from the left hand edge thereof, and close thereto."

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 67

[H. B. No. 256]

AN ACT TO AMEND SECTION 2303 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ARREST OF PERSONS UNDER INDORSED WARRANTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2303 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2303. Arrest under indorsed warrant. Whenever any warrant of arrest has been issued by any court of competent jurisdiction, and the accused party shall be beyond the jurisdiction of such court, it shall be lawful for the officer to whom such warrant shall have been directed, to pursue and arrest such accused party in any part of the territory, provided, that the warrant shall be first indorsed with proper words of authority from some circuit judge or district magistrate in the island where the actual arrest shall be made.”

SECTION 2. This Act shall take effect and be in force from and after its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 68

[H. B. No. 267]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE THE SUM OF SIXTY-THREE AND 95/100 DOLLARS (\$63.95) FOR THE PAYMENT OF THE CLAIMS OF THE PACIFIC AUTO AND MACHINE SHOP AND THE KOREAN CHRISTIAN INSTITUTE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate the sum of sixty-three and 95/100 dollars (\$63.95) out of the general fund of said city and county for the payment of the following claims:

Pacific Auto and Machine Shop, for services rendered and material furnished at the instance of the juvenile court, for the months of June and July, 1920.....	\$ 17.20
Korean Christian Institute, for property taxes illegally collected in 1922 on property not subject to taxation....	46.75

Upon the making of such appropriation, and the filing of proper vouchers, the auditor of the City and County of Honolulu is hereby authorized and directed to draw warrants upon the treasurer of the City and County of Honolulu for the respective amounts in favor of the respective claimants.

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 69

[H. B. No. 321]

AN ACT TO AMEND SECTION 1861 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 182 OF THE SESSION LAWS OF 1915, CONCERNING THE HONOLULU WATER AND SEWER WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The last paragraph of Section 1861 of the Revised Laws of Hawaii, 1915, as amended by Act 182 of the Session Laws of 1915, is hereby amended to read as follows:

“All amounts so paid to the territory on account of principal, after December 31, 1922, shall be credited to government realizations.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 70

[S. B. No. 78]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF DAVID K. BENT, JR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the sum of one hundred dollars (\$100.00) be and the same is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the payment to said David K. Bent, Jr., for salary due him for the period from November 20, 1919, to December 31, 1919, both dates inclusive.

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 71

[H. B. No. 112]

**AN ACT TO AUTHORIZE GUARDIANS OF INSANE PERSONS TO MAKE
CONVEYANCES OF REAL ESTATE UNDER CONTRACTS MADE BY
THEIR WARDS BEFORE BECOMING INSANE.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. When a person who, while of sound mind, has entered into a contract in writing to convey any real estate shall afterward and before making the conveyance have become and been adjudged insane and placed under guardianship, the judge having jurisdiction of the guardianship matter may, upon the petition of the guardian or of any person claiming to be entitled to such conveyance, authorize or direct the guardian to convey such real estate to the person entitled thereto. Such conveyance may be authorized or directed only after a hearing of which such notice shall have been given as the judge shall prescribe and which may be by advertisement in a newspaper, by posting, by mailing or otherwise. The decree authorizing or directing the conveyance may require compliance with the terms of the contract fully and strictly or to such extent or with such modifications as the facts may require or warrant and as may appear to the judge to be in the interests of the ward or fair and equitable. Every conveyance made pursuant to the foregoing provisions shall pass title to the property so conveyed as fully as if the ward had not become or been adjudged insane or placed under guardianship and had executed the conveyance in person.

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 72

[S. B. No. 16]

AN ACT CONCERNING THE PAYMENT OF SALARIES AND PERSONAL EXPENSES OF TERRITORIAL OFFICIALS WHILE TRAVELLING ABROAD ON OFFICIAL TERRITORIAL BUSINESS, AND REPEALING JOINT RESOLUTION NO. 3 OF THE SESSION LAWS OF 1917.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No territorial official, except with the written approval of the governor, shall receive his salary during an absence of more than two months from the Territory on territorial official business.

SECTION 2. A territorial official, while travelling abroad on territorial official business, shall be allowed twenty dollars a day, which amount is to cover all personal expenses, such as board, lodging, etc., but not steamer and railroad fares, and the auditor of the Territory is hereby directed to issue a warrant payable to such an official for such purpose, at the above rate, from the date of his departure from, to the date of his return to, the Territory, upon being furnished by such an official with a signed statement setting forth the time of absence.

SECTION 3. Joint Resolution No. 3 of the Session Laws of 1917, approved May 2nd, 1917, is hereby repealed.

SECTION 4. This Act shall take effect from the date of its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 73

[S. B. No. 61]

AN ACT TO AMEND CHAPTER 24 OF THE REVISED LAWS OF HAWAII, 1915, BY AMENDING SECTION 286 THEREOF, AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 286-A, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 286 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 286. *Attendance compulsory; exceptions.* The attendance of all children from six to fourteen years of age, at either a public or private school, is obligatory and it shall be incumbent upon all parents, guardians and others having the responsibility and care of children of such ages, to send them to some such school; provided, that when a child has reached the age of twelve years and has not completed the fourth grade of the primary school, he shall be eligible for instruction only in an industrial school or vocational school, provided there is such a school within four miles of his home or suitable transportation to such a school has been provided; and provided further, that in no event shall such child be entitled to remain in said primary school except upon written permission of the superintendent of public instruction, and provided, also, that such attendance shall not be compulsory in the following cases:

First. Where the distance to the nearest school exceeds four miles and no suitable transportation is provided;

Second. When such child shall be physically or mentally unable to attend school, of which fact the certificate of a duly licensed physician shall be sufficient evidence;

Third. When a competent person is employed as tutor in the family wherein such child resides and proper instruction is thereby imparted;

Fourth. Where any child of not less than the age of thirteen years shall have passed the required examination of both primary and grammar school grades, as such requirements shall from time to time exist, provided he shall be suitably employed;

Fifth. Where upon investigation by the juvenile court, when feasible, or by the district magistrate, it has been shown that for any other reason the child may properly remain away from school.”

SECTION 2. A new section is hereby added to said Revised Laws to be known as Section 286-A, and to read as follows:

“Section 286-A. No child less than six years of age shall attend any public school, and it shall be the duty of all teachers who teach in the first and second grades of the public schools and all principals of public schools to enforce this section and to require proof by birth certificate, or if none can be obtained, then by other satisfactory evidence, that all children applying for instruction in either of said grades are of the age of six years or over.”

SECTION 3. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 74

[S. B. No. 69]

AN ACT PROVIDING AN ADDITIONAL APPROPRIATION FOR THE SANITATION FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the Territory the sum of one hundred thousand dollars (\$100,000.00) as an additional appropriation to the Sanitation Fund heretofore created for the purpose of carrying out the provisions of chapters 66 and 71 of the Revised Laws of Hawaii, 1915, and the sum hereby appropriated shall be set aside in the treasury of the Territory to the credit of said fund.

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 75

[S. B. No. 81]

AN ACT MAKING AN APPROPRIATION TO ENABLE THE TERRITORY OF HAWAII TO BECOME A MEMBER OF THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand five hundred dollars (\$1,500.00) is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of paying the annual dues to enable the Territory of Hawaii to become a member of the American Association of State Highway Officials, and to defray the expenses of a territorial representative to the conventions of the officials of the said American Association of State Highway Officials. This appropriation takes the place of the general provision of the law entitling territorial officials to an allowance for travelling expenses which allowance shall not be drawn in addition to the amount appropriated herein.

SECTION 2. The governor is hereby authorized to appoint a representative to the conventions of the officials of the American Association of State Highway Officials, and to otherwise carry out the provisions of this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 76

[S. B. No. 88]

AN ACT TO ENCOURAGE THE MAINTENANCE AND DEVELOPMENT OF GAS MANUFACTURING AND DISTRIBUTING BY EXTENDING THE PERIOD OF TAX EXEMPTION OF PROPERTY EMPLOYED THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All property, both real and personal actually and solely used in the manufacture and distribution of gas, and forming or used as part of a gas manufacturing and distributing system, of any firm, person or corporation, whose property is now exempt by law from taxation, shall continue to be so exempt from taxation for a period of five years from the date of the approval of this Act.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 77

[S. B. No. 96]

AN ACT AUTHORIZING THE CITY AND COUNTY OF HONOLULU TO MAKE AN APPROPRIATION FOR THE RELIEF OF HAROLD W. MARVIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate and

pay Harold W. Marvin the sum of ninety dollars and eighty-five cents (\$90.85), which sum was wrongfully collected for taxes for the year 1921.

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 78

[S. B. No. 99]

AN ACT TO REGULATE THE MAKING AND TAKING OF PICTURES
AT THE LEPER SETTLEMENT AT KALAUPAPA, COUNTY OF KA-
LAWAO, THE KALIHI HOSPITAL, THE KAPIOLANI GIRLS' HOME
AND THE KALIHI BOYS' HOME, CITY AND COUNTY OF HONO-
LULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. No person shall make or take any picture of any kind whatsoever at the Leper Settlement at Kalaupapa, County of Kalawao, or at the Kalihi Hospital, Kapiolani Girls' Home or the Kalihi Boys' Home, City and County of Honolulu, unless he shall first have received a written permit—revocable at any time—from the board of health so to do, and then only for scientific purposes, provided, however, no picture of any kind whatsoever taken at the place or places hereinbefore mentioned prior to the passage of this Act shall be exhibited to any person whomsoever.

SECTION 2. Any person violating Section 1 of this Act, or assisting or countenancing a violation thereof, shall be punished by a fine not exceeding five hundred dollars or by imprisonment

for a term not exceeding six months, or by both such fine and imprisonment.

SECTION 3. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 79

[S. B. No. 113]

AN ACT PROVIDING A PENSION FOR R. PUUKI, AND AUTHORIZING AND DIRECTING THE COUNTY OF KAUAI TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Kauai is hereby authorized and directed to pay to R. Puuki, each month, for the term of his natural life, beginning with the month of July, 1923, the sum of sixty dollars (\$60.00); provided, however, that no such monthly payments shall be made during such time as the said R. Puuki is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 80

[S. B. No. 123]

AN ACT TO AMEND SECTION 1 OF ACT 42 OF THE SESSION LAWS OF 1903 AS THAT SECTION WAS AMENDED BY ACT 89 OF THE SESSION LAWS OF 1911, BY ACT 134 OF THE SESSION LAWS OF 1913, BY ACT 228 OF THE SESSION LAWS OF 1917, BY ACT 207 OF THE SESSION LAWS OF 1919 AND BY ACT 12 OF THE SESSION LAWS OF 1921 PROVIDING FOR PUBLIC LOANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 42 of the Session Laws of 1903, as that section was amended by Act 89 of the Session Laws of 1911, by Act 134 of the Session Laws of 1913, by Act 228 of the Session Laws of 1917, by Act 207 of the Session Laws of 1919 and by Act 12 of the Session Laws of 1921, is hereby amended to read as follows:

“Section 1. The treasurer of the Territory is hereby authorized and empowered, with the approval of the governor, to issue from time to time bonds of the Territory of Hawaii, with interest coupons attached thereto, to an amount not exceeding a total outstanding bond debt of twenty million dollars (\$20,000,000.00), the principal and interest to be paid in gold coin of the United States of America, or its equivalent at its present standard of weight and fineness, in the manner, upon the terms and for the purposes of this Act stated. It is provided, however, that any bonds hereafter issued under the provisions of chapter 88 of the Revised Laws of Hawaii, 1915, for the purpose of refunding authorized bonds shall not be computed as a part of the limit of bond issue herein provided for.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 81

[H. B. No. 19]

AN ACT AMENDING SECTIONS 1207, 1236, 1237, 1269, 1275, 1289 AND 1299 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO TAXATION.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1207 of the Revised Laws of Hawaii, 1915, as amended by Act 222 of the Session Laws of 1917, is hereby further amended to read as follows:

“Section 1207. Dates. All taxes shall be assessed as of, and be due and payable on and after January 1 in each year, except as otherwise provided by law.

All taxpayers shall make returns of their property and the value thereof between January 1 and January 31, both inclusive, in each year in such form as the treasurer of the Territory may prescribe.

Of all taxes payable to the Territory all the personal taxes and all the specific taxes and one-half, that is, the first installment, of all other property taxes remaining unpaid after June 20 of each year shall thereby and thereupon become delinquent.

The balance of the property taxes remaining unpaid after November 15 of each year shall thereby and thereupon become delinquent.

Notice of raise or disallowance of exemption claimed shall be mailed by the assessor to the taxpayer affected not later than April 10 of the year in which the assessment is made.

In order to be entitled to appeal, any person desirous and otherwise entitled to appeal from any assessment shall file a notice of appeal at any time from April 10 to May 10, both inclusive, of the year in which the assessment is made.

The assessment books shall be made up on or before May 1, and shall be open for inspection from May 1 to May 10, both inclusive, of each year; notice of which shall be given.

The tax appeal court shall commence to sit for the hearing of tax appeals during the month of July in each year.

Throughout each year, exclusive of Sundays and legal holidays, and during usual business hours, each assessor and/or his deputy shall attend at an advertised place in his respective taxation division for the collection of taxes, the advertisement to contain notice that taxes will be delinquent after June 20 and November 15.

During December of each year each assessor shall advertise for tax returns to be made during the following January."

SECTION 2. Section 1236 of the Revised Laws of Hawaii, 1915, as amended by Act 90 of the Session Laws of 1915, Act 222 of the Session Laws of 1917, and Act 177 of the Session Laws of 1919, is hereby further amended to read as follows:

"SECTION 1236. General property taxes. Except as exempted or otherwise taxed, all real property and all personal property, within each taxation division shall be subject to a tax each year of such rate per cent upon the full cash value thereof as shall be fixed and determined for that year in the following manner and generally for the following purposes:

1. County or city and county current expenses;
2. County or city and county permanent improvements;
3. Interest and sinking fund for general county or city and county bonds;
4. Interest and sinking fund for all territorial bonds issued for county or city and county purposes;
5. Schools; special fund;
6. Schools; general fund;
7. School teachers' salaries;
8. Cost of assessing and collecting taxes;
9. Additional to general rate for purposes specified in specific legislative Acts.

For subdivisions 1, 2 and 3 above, the respective amounts shall be estimated by the respective boards of supervisors of the various counties and the city and county, as soon as practicable after the first day of December in each year, for the twelve months' period commencing on the first day of January of the following calendar year, the respective boards shall approve these estimates by resolution adopted in the manner provided by law relating to resolutions involving the expenditures of public money, and transmit the estimates to the territorial treasurer and the assessor of the taxation division in which such county or city and county is included. In estimating these amounts the respective boards of supervisors shall take into consideration, among other things, outstanding obligations, and expected receipts from other sources; provided, however, that the estimates above mentioned may be amended by resolution adopted in the above manner from time to time prior to their transmittal to the territorial treasurer and said assessors, but not later than April 25. These estimates shall be in such form as the territorial treasurer may from time to time prescribe.

In subdivision 1 (county or city and county current expenses) shall be included current expense items, not elsewhere specified in this section, including, among other items, the operating expenses of all departments of such local government, operating and equipping free sewer and cesspool pumping systems as operated or extended, road maintenance and repair and other current or general needs.

In subdivision 2 (county or city and county permanent improvements) shall be included all items for permanent improvements for the counties and city and county, including, among other items, extensions and replacements to the water and/or sewer systems not otherwise provided for; new road construction of portland cement concrete, asphaltic concrete, asphalt macadam or on a portland cement concrete base, including cost of new land, or large cuts or fills in the grade, of permanent storm drains, of new bridges of like or equivalent permanent nature, and reasonable engineering and inspection expenses for the same (except that, in the case of the counties of Hawaii, Maui and Kauai, roadwork, amounting to reconstruction, of asphalt or oiled macadam may be performed hereunder in addition to concrete road-work) : new buildings, including additions, equipment and grounds for the same; parks, and other permanent improvements.

In subdivision 3 (interest and sinking fund for general county or city and county bonds) shall be included necessary amounts for interest and sinking fund for general county or city and county bonds, if any, but not including bonds the interest and sinking fund of which are to be paid out of revenues specifically provided for in the law or act under which the bonds are issued.

For subdivision 4 (interest and sinking fund for all territorial bonds issued for county or city and county purposes) the territorial treasurer in May shall have computed the amounts which are payable to or retainable by the Territory for each county or city and county for that calendar year to meet interest and sinking fund charges for territorial bonds issued for such county or city and county purposes.

For subdivision 5 (schools: special fund) the amount for each county and the city and county shall be computed in May by the territorial treasurer as one-half of the sums specified for such county or city and county for the special school fund under chapter 25 in the biennial school budget operative on January 1st of the year such estimate is made, less the sums remaining unappropriated and/or uncontracted for by such county or city and county at the end of the period covered by the preceding biennial school budget. Within thirty days after the end of the period

covered by each biennial school budget, the respective boards of supervisors shall prepare and transmit to the territorial treasurer statements showing the entire balances unappropriated and uncontracted for as above.

For subdivision 6 (schools: general fund) the amount required for the general school fund shall be computed in May by the territorial treasurer, for each county and the city and county, at an amount which shall bear the same ratio to one-half of the amount provided for and specified as the general fund under chapter 25 in said biennial school budget that the aggregate value of property in such county or city and county as assessed with calculations made as of May 10 for the current year for the purposes of this tax bears to the aggregate value of property in the Territory as similarly assessed, exclusive of the property mentioned in the proviso next following:

Provided, however, that all real property and all personal property within the Territory (not specifically taxed or exempted) which is used or operated or in connection with the business of transmitting intelligence by electricity or otherwise, or transporting passengers, mail or freight from one island to another or to vessels at sea or to other lands, shall be subject to a tax each year, at the rate of the general property tax in the City and County of Honolulu for that year, upon the full cash value thereof for the sole benefit of the Territory; and that all taxes, if any, collected in respect of persons or property in the County of Kalawao shall be for the sole benefit of the Territory.

For subdivision 7 (school teachers' salaries) the territorial treasurer shall compute in May the amount necessary for that year for the salary schedule provided for in chapter 25. From this amount he shall deduct (a) the total amount of school taxes (provided for in section 1225) collected during the preceding year, after setting apart and reserving from said school taxes amounts required for teachers' pension fund and also deduct (b) all sums remaining unexpended and uncontracted for at the end of the last preceding calendar year on account of said salary schedule for the last preceding calendar year. The balance remaining shall be apportioned between the several counties and city and county on the basis that the value of the real and personal property of each county or city and county bears to the aggregate value of real and personal property in the Territory, all as assessed for the purposes of this tax with calculations made as of May 10 of the current year excluding however, the property mentioned in the proviso of this section.

For subdivision 8 (cost of assessing and collecting taxes) the territorial treasurer shall estimate the sums required to defray the expense of assessing and collecting taxes by the Territory in the

several taxation divisions during the year, as follows: (a) items not specifically appropriated for any particularly named taxation division shall be apportioned between the several taxation divisions on the basis as outlined in subdivision 7; (b) items appropriated for a particularly named taxation division shall be apportioned to such particularly named division.

The territorial treasurer shall notify the assessors of the several taxation divisions of the amounts required to be collected by each of them in their respective districts under subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Each assessor, with the approval of the territorial treasurer, for his own taxation division, shall thereupon estimate the rate percentum at which the property in such taxation division subject to be taxed under this section shall be taxed in order to yield during that year the total amount required under subdivisions 1 to 9 inclusive, of this section. In estimating such rate the aggregate value of property as assessed for the purposes of this tax for the current year with calculations made as of May 10 of assessed values of the current year shall be taken as a basis. In all cases where appeals are unsettled the values used shall be the lowest claimed by the taxpayer in each case.

In estimating said tax rate there shall also be considered any deficiency in the payments made by the territorial treasurer to the treasurer of any county or the city and county for the last preceding taxation year on account of the requirements of said county or the city and county as set forth in the tax rate for the last preceding year caused by reason of the non-payments of taxes for the last preceding taxation year only and an increase shall be accordingly made in the said tax rate for the current year for said subdivisions 1 and 2 for the county or the city and county affected thereby. In this behalf the joint statement of such deficiency which shall be made as provided by section 1299 by the territorial auditor and the territorial treasurer to the treasurer of each county or city and county in January of the current year as of December 31, of the last preceding year, shall govern.

For the several counties the rate required to yield the sums specified under subdivision 1 shall not exceed seven-tenths of one percentum and the rate required to yield the total of the sums specified under subdivisions 1 and 2 shall not exceed one percentum. For the City and County of Honolulu the rate required to yield the total of the sums specified under subdivisions 1 and 2 shall not exceed in the tax year 1919 1.151% and in the later years shall not increase more than .10% in any year over the last preceding year (for example, 1919 1.151%, 1920 1.251%), nor shall the rate exceed in any year 1.500% of the value of the property subject to be taxed under this section. Provided, that the

sums raised for the purposes of subdivisions 1 and 2 for the City and County of Honolulu shall be divided at least five-twelfths for subdivision 2 and not over seven-twelfths for subdivision 1. Provided, further, that if any of the several boards of supervisors shall not transmit to the assessor and the territorial treasurer by April 25 in each year its estimate of the amounts required under subdivisions 1, 2 and 3, the assessor with the approval of the territorial treasurer, shall fix the respective amounts in dollars for subdivisions 1 and 2 at a figure 10% less than that for the preceding year, adding thereto the amount necessary or required, in his judgment, for subdivision 3.

For subdivision 9 (additional to general rate for purposes specified in specific legislative acts) to the general rate, as above computed, the assessor, with the approval of the territorial treasurer, shall add such rate or rates specified in any special act or acts of the legislature relating to the respective counties or the city and county.

The sum of the rates finally estimated or determined for the purposes specified in said subdivisions 1 to 8 inclusive, above, plus any special rate or rates necessitated as aforesaid in subdivision 9 shall be the rate at which such property shall be taxed for that year under this section in the taxation division in which such county or city and county is included; and each tax assessor in and for his respective taxation division, with the approval of the territorial treasurer, shall publish the rate for his respective county or city and county segregating and showing the part of the rate required for the purposes of each of subdivisions 1 to 9 and the rate referred to in section 1237, and shall print or stamp a digest of the same information on all receipts for taxes under this section."

SECTION 3. Section 1237 of the Revised Laws of Hawaii, 1915, as amended by Act 3 of the Session Laws of 1920, is hereby further amended to read as follows:

"Section 1237. *Additional property tax.* In the month of May of each year the territorial treasurer shall prepare, with the approval of the governor, an estimate of the amount of money, if any required, in addition to all other moneys estimated to be available for the purpose to meet the estimated probable expenditures under territorial appropriations of general revenues until the twentieth day of June of the following year, and also an estimate of the rate per cent, which, however, shall not exceed one-fourth of one per cent, at which the property subject to the general property tax under section 1236 should be taxed in order to yield during the year in which such estimate is made the amount so

estimated to be required; in estimating which rate the territorial treasurer shall use as a basis the aggregate value of property represented by the sum of the total assessment used by the assessors of the several taxation divisions in fixing the rate of tax under section 1236. The property subject to such general property tax for the year in which such estimate is made shall thereupon be subject to an additional tax of the rate so estimated upon the full cash value thereof for that year for the benefit of the Territory, and all provisions of law relating to the assessment and collection of such general property tax shall be applicable so far as may be to such additional tax hereby authorized. The treasurer shall notify the several assessors of such rate in said month of May."

SECTION 4. Section 1269 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1269. *Tax list open to public.* It shall be the duty of each assessor or his deputy to attend on all days except Saturdays, Sundays and holidays, between the hours of 8:00 o'clock a. m. and 4:00 o'clock p. m., and on Saturdays between 8:00 o'clock a. m. and 12 o'clock noon, between May 1 and May 10, both inclusive, of each year, at some convenient place or places in his division or district, with his assessment or tax list, which shall during such times be open for the inspection of all persons liable to taxation in the division or district, without fee or reward.

Written or printed notice of such places shall be given by advertisement once a week for three successive weeks prior to May 1 in some newspaper of general circulation, or by posting a notice in at least three conspicuous places in such district of the times and places at which such tax list shall be open for inspection in such district."

SECTION 5. Section 1275 of the Revised Laws of Hawaii, 1915, as amended by Act 222 of the Session Laws of 1917, is hereby amended to read as follows:

"Section 1275. *Sessions.* The said court shall commence to hold sittings during the month of July in each year, in each judicial circuit in which the property is situated, on the value of which an appeal may have been taken, at such times as the presiding officers thereof may appoint, and may adjourn from time to time as may be necessary."

SECTION 6. Section 1289 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1289. *Delinquency.* All personal and specific taxes, payable to the Territory remaining unpaid after June 20 of each year shall thereby and thereupon become delinquent. All real and personal property taxes remaining unpaid after June 20 of each year shall thereby and thereupon become delinquent as to one-half the amount due. And the balance of such real and personal property taxes remaining unpaid after November 15 of each year shall thereby and thereupon become delinquent."

SECTION 7. Section 1299 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1299. *Disposition of proceeds of personal and property taxes.* All personal and property taxes collected under this chapter shall be paid into the territorial treasury at such times as the treasurer shall direct.

All personal and specific taxes paid into the territorial treasury from each county or city and county, other than the County of Kalawao, except such as are payable to or retainable by the Territory as provided by law, shall be paid within ten days after the same have been paid into the territorial treasury to the treasurer of such county or city and county within which the same were collected, and shall be expended only in making, maintaining and repairing public roads as authorized by the supervisors of the county or city and county from time to time.

Out of the property taxes (other than those specified in the proviso of section 1236, as being for the sole benefit of the Territory) paid into the territorial treasury from each county or city and county, the treasurer shall retain from time to time in a special account sufficient for the purposes specified in subdivisions 4, 6, 7 and 8 of said section 1236 and also for the purposes specified in any legislative act or acts, providing for funds to be raised by property taxes for the benefit of the Territory or territorial purposes, and shall pay the balance thereof to the treasurer of the county or city and county within ten days after the same have been paid into the territorial treasury for the purposes specified in subdivisions 1, 2, 3 and 5 of said section. The county or city and county treasurer shall, from time to time, allot from such balance sufficient for the purposes specified in said subdivisions 2, 3 and 5, respectively, and shall keep such allotments in special accounts for use for such purposes only and shall under no circumstances allow any part thereof to be used for any other purpose, nor shall the territorial treasurer allow any moneys so retained for the purposes specified in subdivisions 4, 6 and 7 to be used for any other purpose, provided that, if at any time there shall be insufficient money in the special account for the purposes

specified in subdivisions 2, 3 and 5, or 4, 6 and 7 respectively, moneys in the general account of the county, city and county or Territory, as the case may be, may be used for such purposes, in which case such general account may afterwards be reimbursed by transfers from such special account.

All such payments by the territorial treasurer shall be made upon warrants issued by the territorial auditor.

In January of each year the territorial auditor and territorial treasurer shall prepare and transmit to the treasurer of each county and city and county a joint statement showing the amount of (1) unpaid taxes of the last preceding year only; (2) taxes collected during the last preceding year of taxes delinquent for any year except the last preceding year; and (3) taxes collected during the last preceding year by virtue of the settlement of tax appeals taken during (a) the last preceding year and (b) all other years. The territorial treasurer shall retain all funds collected on account of real and personal property taxes from any county or city and county during any calendar year in excess of the amounts sufficient to satisfy the requirements of such respective counties or city and county for any calendar year as set forth in the tax rate calculations for such calendar year and apply the same to satisfy the requirements of such county or city and county for the next following year and thereby reduce the tax rate of such county or city and county for said next following year. Should any deficiency be found caused by non-collection of taxes in any one calendar year in satisfying such requirements, an additional amount shall be added in the calculations of the tax rate for the said next following year to cover such deficiency by the method set forth in section 1236.

SECTION 8. This Act shall take effect on January 1, 1924.

Approved this 24th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 82

[H. B. No. 75]

AN ACT TO AMEND SECTION 1 OF ACT 199 OF THE SESSION LAWS OF 1915, AS AMENDED BY ACT 153 OF THE SESSION LAWS OF 1917 AND FURTHER AMENDED BY ACT 201 OF THE SESSION LAWS OF 1921, RELATING TO THE VACATION OF PUBLIC EMPLOYEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 199 of the Session Laws of 1915, as amended by section 1 of Act 153 of the Session Laws of 1917, and further amended by section 1 of Act 201 of the Session Laws of 1921, is hereby further amended to read as follows:

“Section 1. Whenever any employee working under a regular monthly salary in any department of the territorial, county and city and county government shall have been employed continuously for at least one year in the same department, he shall be entitled to at least three weeks' vacation upon full pay for that year and each year thereafter while he remains in the employ of such department; said vacation to be granted to the employee at such time as shall be designated by the head of the department. Said vacation may be cumulative, but shall not exceed a total of nine weeks.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 83

[H. B. No. 163]

AN ACT TO AMEND ACT 212 OF THE SESSION LAWS OF 1919,
RELATING TO AN AQUARIUM AND MARINE BIOLOGICAL LABORATORY
AT KAPIOLANI PARK, CITY AND COUNTY OF HONOLULU,
TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The words "University of Hawaii," are hereby substituted for the words "College of Hawaii," appearing in line 7 of section 1 of Act 212 of the Session Laws of 1919.

SECTION 2. Section 2 of the said Act is hereby amended to read as follows:

"Section 2. The board of regents of the University of Hawaii shall establish and at all times maintain upon said lands an aquarium for the exhibition to the public of fishes and other forms of marine life. It shall also establish and at all times maintain there a marine biological laboratory."

SECTION 3. Section 4 of Act 212 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 4. The said board of regents shall pay into the territorial treasury all receipts of the said aquarium and all such moneys are hereby appropriated for the use of the University of Hawaii to be accounted for as provided in section 9 of Act 203 of the Session Laws of 1919."

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 84

[H. B. No. 297]

AN ACT MAKING APPROPRIATIONS FOR THE RELIEF OF INTER-ISLAND STEAM NAVIGATION COMPANY, LIMITED, AND CASTLE & COOKE, LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three hundred ninety-seven and 80/100 dollars (\$397.80) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, received from wharfage tolls from the board of harbor commissioners for payment to the Inter-Island Steam Navigation Company, Limited, as reimbursement for an overcharge in office rent from June, 1919, to August 31, 1922.

SECTION 2. The sum of thirty-seven and 62/100 dollars (\$37.62) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, received from wharfage tolls from the board of harbor commissioners for payment to Castle & Cooke, Limited, as refund of wharfage charged in error against the S. S. "Resolute" on February 1st and 2nd, 1923.

SECTION 3. The sum heretofore appropriated shall become immediately available and shall be paid to the said Inter-Island Steam Navigation Company, Limited, and Castle & Cooke, Limited, upon their filing with the auditor of the Territory, approved vouchers covering the respective amounts as receipts in full on the respective matters.

SECTION 4. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 85

[H. B. No. 302]

AN ACT TO AMEND SECTION 3095 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ACKNOWLEDGMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sub-section 4 of section 3095 of the Revised Laws of Hawaii, 1915, as set forth in Act 30 of the Session Laws of 1919, is hereby amended to read as follows:

“4. In the case of a corporation or joint stock company acknowledging by an individual as its attorney, where the enabling power of attorney has previously been recorded, the acknowledgment of the instrument executed under such power of attorney shall be substantially in the following form: ‘On this _____ day of _____, 19____, before me personally appeared A. B., to me personally known, who being by me duly sworn (or affirmed) did say that he is the attorney in fact of C. D. (here name the corporation) duly appointed under power of attorney dated the _____ day of _____, 19____, recorded in book ___, at page ___, and that the foregoing instrument was executed in the name and behalf of said C. D. by said A. B. as its attorney in fact; and said A. B. acknowledged said instrument to be the free act and deed of C. D.’ In case the enabling power of attorney has not previously been recorded, omit the reference to its place of record and insert in lieu thereof the words ‘which said power of attorney is now in full force and effect.’”

SECTION 2. A new sub-section is hereby added to said section 3095, to be designated as sub-section 5, as follows:

“5. In the case of a corporation or joint stock company acknowledging by another corporation or joint stock company as its attorney, where the enabling power of attorney has previously been recorded, the acknowledgment of the instrument executed under such power of attorney shall be substantially in the following form: ‘On this _____ day of _____, 19____, before me personally appeared A. B. to me personally known, who, being by me duly sworn (or affirmed) did say that he is the president (or other officer or agent of the corporation or joint stock company acting as attorney) of C. D. (here name the corporation or joint stock company acting as attorney) and that said C. D. is the attorney in fact of E. F. (here name the corporation or

joint stock company in whose behalf the attorney is acting) duly appointed under power of attorney dated the _____ day of _____, 19____, recorded in book ___, at page ___; that the foregoing instrument was executed in the name and behalf of said E. F. by the said C. D. as its attorney in fact; that the seal affixed to said foregoing instrument is the corporate seal of said C. D., and said instrument was so executed by said C. D. by authority of its board of directors; and said A. B. acknowledged said instrument to be the free act and deed of said E. F.' In case the corporation acting as attorney has no corporate seal, or no seal within the Territory of Hawaii, omit the words 'the seal affixed to said foregoing instrument is the corporate seal of said C. D.' and insert in lieu thereof 'said C. D. has no corporate seal', or 'said C. D. has no corporate seal within the Territory of Hawaii.' In case the enabling power of attorney shall not previously have been recorded, omit the reference to its place of record and insert in lieu thereof the words 'which power of attorney is now in full force and effect'."

SECTION 3. This Act shall take effect upon the date of its approval.

Approved this 24th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 86

[H. B. No. 425]

AN ACT TO DEFINE AND DECLARE THE CLAIMS OF THE TERRITORY OF HAWAII CONCERNING ITS STATUS IN THE AMERICAN UNION, AND TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO SECURE MORE COMPLETE RECOGNITION OF SUCH CLAIMS BY THE FEDERAL GOVERNMENT.

WHEREAS, for a quarter of a century Hawaii has occupied the legal status of full and complete political union with and incorporation into the United States as an integral part thereof, and for half a century prior thereto negotiations and dealings between the two countries looked to such status as the basis for annexation, when effected; and

WHEREAS, a misunderstanding appears to exist in the Congress and in some of the Executive Departments of the Federal Government, as to the status of Hawaii in the American Union, and its rights therein, which misunderstanding has, at times, resulted in the classification or treatment of Hawaii by the Congress and some of the said Executive Departments, as if it were an "Insular Possession", in a manner derogatory to the dignity of this Territory; and

WHEREAS, such misunderstanding has led to the exclusion of Hawaii from participating in certain appropriations made to all the states, for education, good roads, farm loans and for other purposes, which exclusion is inconsistent with the rights, and to the material loss of this Territory; and

WHEREAS, the Legislature of the Territory of Hawaii views with concern the continuance of said misunderstanding, fearing that it may settle into a permanent discrimination against the Territory of Hawaii; and

WHEREAS, it is in the interest of all concerned that such misunderstanding be removed and the status of Hawaii in the Union definitely and authoritatively established; THEREFORE

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. HAWAII'S CLAIMS CONCERNING ITS STATUS IN THE AMERICAN UNION. That the Legislature of the Territory of Hawaii hereby makes formal assertion and declaration of the claims of said Territory concerning its status in the American Union, as follows:

1. That the Territory of Hawaii is an "integral part of the United States".
2. That as such "integral part", Hawaii cannot, legally, equitably or morally, be discriminated against in respect of legislation applying to the Union as a whole.
3. That Hawaii is a unit within the American scheme of government, with rights and powers differing from those of the states, in so far as certain features of a territorial government differ from those of a state; but Hawaii carries all the financial responsibilities and burdens of a state, so far as the Federal Government is concerned, and functions practically as a state in nearly every other respect. It should, therefore, be accorded all of the benefits and privileges enjoyed by states, in respect of matters wherein

its functions and responsibilities are the same as those of a state.

REASON FOR THIS DECLARATION.

This declaration, and its method of promulgation, are extraordinary,—unique in the history of legislation.

The reason for this procedure is that an extraordinary and critical situation faces Hawaii—one unique in history.

This extraordinary and critical condition arises out of the following facts:

HAWAII ANNEXED BY AGREEMENT WITH A SOVEREIGN NATION AND NOT BY PURCHASE OR CONQUEST.

1. Of all the many acquisitions of territory by the United States, with the exception of Texas, which came into the Union as a state, by exactly the same procedure as did these islands, Hawaii alone became a part of the Union by voluntary agreement as an independent nation, having sovereign powers co-equal with those of the United States.

All other annexations of territory were by purchase or conquest, by virtue of which such territories respectively became the property or "possessions" of the United States, subject to be dealt with as "property", with no limitation upon their treatment by the Federal Government, save that of humanity.

HAWAII POSSESSED OF INALIENABLE RIGHTS TO MAINTENANCE OF WHICH GOOD FAITH OF UNITED STATES IS PLEDGED.

2. That under said circumstances and the terms of the agreement of annexation, Hawaii is in no sense the "property", or a "possession", of the United States, but became incorporated into and is an "integral part" of the Union, and thereby acquired certain inalienable rights, contractual, equitable and moral, to the maintenance of which the good faith of the United States is pledged.

HAWAII'S RIGHTS DENIED OR IGNORED.

That, notwithstanding the foregoing facts, although Hawaii has been held by the Congress and the Executive to the observance and fulfilment of all the responsibilities and burdens incident to its status as an "integral part" of the United States", being the same as those imposed upon the several states, the rights of Hawaii, as aforesaid, have, in a growing degree and an increasing number of instances, been denied or ignored by the Congress and

some of the Executive Departments of the Federal Government, to her serious injury and loss.

That examples of such denial or ignoring have been the enactment of laws by the Congress extending financial aid to all of the States for education, good roads, farm loans, maternity, and for other purposes, from the benefit of which Hawaii has been excluded, either directly or by the wording of such acts.

That in addition to the specific exclusion of Hawaii from participation in said appropriation bills, it has become a practice to classify Hawaii as one of the "Insular Possessions" of the United States, and to officially refer to and treat her as though she were such.

DANGER OF ESTABLISHMENT OF A PRECEDENT.

That in view of said policy of excluding Hawaii from said benefits as aforesaid and said classification, there is danger that Hawaii may be held guilty of "laches", and as having, by acquiescence, waived her rights.

DECLARATION ON PART OF THE TERRITORY OF HAWAII.

This declaration is therefore made in order to assert and place on record the claims of the Territory of Hawaii to its status in the Union and to its rights under and arising out of the facts herein set forth, in the strongest and most formal method possible, viz: by an act passed by its Legislature and approved by its Governor.

DIFFERENCE BETWEEN THE STATUS OF HAWAII AND THE STATUS OF THE SEVERAL STATES.

That this Legislature conceives and understands that the principal and material differences between the status of Hawaii and the status of the several States are as follows:

- (1) That certain officers of the Territory are appointed by the President;
- (2) That the Territory of Hawaii does not vote for President or Vice-President;
- (3) That the Territory of Hawaii is represented in Congress by a non-voting Delegate instead of by Senators and Representatives;
- (4) That the Territory of Hawaii operates under a Constitution (the Organic Act) enacted by the Congress;
- (5) That the enactments of its Legislature are subject to be repealed or amended by the Congress. (In the 23 years since the organization of the Territory of Hawaii, this power has never been exercised by Congress).

Otherwise than as hereinabove last enumerated, it is hereby claimed that the status of the Territory of Hawaii is co-equal with that of the several States.

The Territory of Hawaii therefore claims that it is, and of right ought to be, entitled to participate in the benefits of general legislation, particularly financial legislation and appropriations extended to or made for all the States.

SECTION 2. BASIS OF CLAIM. The claims of Hawaii, herein set forth, are based upon the following:

- (a) The history of the annexation of Hawaii; the negotiations and procedure in connection therewith; the declarations of American officials conducting such negotiations made during the progress of the same, constituting a part of the *res gestae*, and tending to show the intent of the parties.
- (b) The treaties and legislation effectuating the annexation of Hawaii.
- (c) The interpretation of and construction placed on the treaty of annexation and legislation supplemental thereto, relating to the status and rights of Hawaii as a part of the Union, made by American executive officers in pursuance of their official duties.
- (d) The acts of Congress organizing Hawaii into a territory of the United States and subsequent legislation defining the rights and status of Hawaii in the Union.
- (e) The decision of the Supreme Court of the United States, relating to the status of Hawaii in the Union.

STATEMENT OF FACTS TENDING TO SUBSTANTIATE HAWAII'S CLAIMS.

The following is an enumeration of the principal facts tending to substantiate the claims of the Territory of Hawaii herein set forth:

I.

THE ANNEXATION TREATY OF 1854.

The annexation of Hawaii was first formally considered between the governments of Hawaii and of the United States in 1853-4.

At that time President Pierce of the United States instructed Secretary of State Marcy to commission D. L. Gregg to represent the United States in Hawaii, to negotiate with Kamehameha III, King of Hawaii, for the annexation of Hawaii to the United States.

The treaty was negotiated upon the basis of Hawaii coming into the Union as a State, "enjoying the same degree of sovereign-

ty as other States, and admitted as such . . . to all the rights, privileges and immunities of a state, on a perfect equality with other states of the Union."

(See records of the United States State Department and *Downes v. Didwell*, 182 United States Supreme Court Reports, 244 at 305.)

II.

THE STATEMENT OF UNITED STATES COMMISSIONER GREGG.

Commissioner Gregg reported to the United States State Department that the Hawaiians would agree to annexation on no other basis than that of full statehood.

He said also:

"The Hawaiian authorities are especially desirous of cultivating friendly relations with the United States and look forward to the time when their country may constitute an integral portion of the great North American Republic."

(See United States State Department records.)

This is the first time in the history of the annexation of Hawaii that the phrase concerning Hawaii becoming "an integral portion" (or part) of the United States was used.

The treaty was approved by the King and was completed, so far as Hawaii was concerned, awaiting only the King's signature, when his sudden death terminated further consideration of the subject for the time being.

(See records of American and Hawaiian State Departments and United States Supreme Court Reports above cited.)

Especial attention is hereby invited to the fact that from this time forward, at every stage and in nearly every official document bearing upon the subject of the annexation of Hawaii, the cornerstone of the Hawaiian position has been that Hawaii should be annexed "as an integral part of the United States", or words to that effect. There is no deviation from this position.

III.

STATEMENT OF SECRETARY OF STATE MARCY.

In a dispatch to Commissioner Gregg, in connection with the proposed treaty of 1854, Secretary Marcy said:

"It will be the object of the United States, if clothed with the sovereignty of that country (Hawaii), to promote its growth and prosperity. This consideration alone ought to be sufficient assurance to the people that their rights and interests will be duly respected and cherished by this Government."

(See records United States State Department.)

(This is the first of a series of official references to and pledges of the good faith of the United States to "respect and cherish the rights and interests" of the people of Hawaii. See statements hereunder of Secretary of State Foster, President McKinley and President Dole.)

IV.

DECLARATION CONCERNING ANNEXATION IN THE CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF HAWAII.

Upon the overthrow of the Hawaiian Monarchy, January 17, 1893, the principles of the new government were embodied in a proclamation, which constituted the constitution of the new government.

This proclamation announced the abrogation of the monarchy and the establishment of the Provisional Government . . . "To exist until terms of union with the United States of America have been negotiated and agreed upon."

(See Archives of Hawaii and United States State Department.)

V.

INSTRUCTIONS OF PRESIDENT DOLE TO ANNEXATION COMMISSIONERS.

President Sanford B. Dole of the Provisional Government of Hawaii, following the overthrow of the Monarchy, January, 1893, dispatched commissioners to Washington with instructions to negotiate a treaty with the United States Government, "by the terms of which full and complete political union may be secured between the United States and the Hawaiian Islands."

(See Archives of Hawaii and of the United States State Department.)

VI.

STATEMENT OF JOHN W. FOSTER, SECRETARY OF STATE UNDER PRESIDENT HARRISON.

Upon arrival of the Commissioners at Washington, President Harrison approved of the principle of annexation and designated Secretary of State John W. Foster to act on behalf of the United States in negotiating a treaty.

The Hawaiian Commissioners asked for admission to the Union as a State.

Mr. Foster replied that the precise form of government would involve many details which would take much time to work out; that "bringing Hawaii into the Union" was the main object in view; that he was not adverse to statehood; but a treaty providing therefor would occasion debate and delay; that by asking for

annexation Hawaii had demonstrated its confidence in the United States, and could be assured that if annexed, that confidence would be justified.

Mr. Foster thereupon proposed that the treaty should provide for the annexation of Hawaii as a Territory of the United States.

This proposition was accepted by the Hawaiian Commissioners, who thereupon made formal written request for "Full and complete political union" of Hawaii with the United States "as a Territory of the United States".

Upon proceeding to draft the treaty, Secretary Foster suggested omission of the provision concerning territorial government, on the ground that the details involved therein might cause delay, and suggested that in place thereof the treaty contain a provision that Hawaii should "be incorporated into the United States as an integral part thereof."

CENTURY DICTIONARY DEFINITION OF "INTEGRAL".

The Hawaiian Commissioners were reluctant to accede to the change, but did so after looking up the definition of "integral" in the Century Dictionary, which contains the following:

"Integral . . . relating to a whole composed of parts, spatially distinct (as a human body of head, trunk and limbs) or of distinct units."

Examples are given:

"The integral parts make perfect the whole and cause the bigness thereof."

"Intrinsic, belonging as a part to the whole, and not a mere appendage to it."

"All the Teutonic states in Britain became first dependencies of the west Saxon King, then integral parts of the Kingdom."

VII.

HARRISON ANNEXATION TREATY OF 1893.

The treaty was thereupon completed in the form proposed by Secretary Foster, viz:—that Hawaii was annexed "as an integral part of the United States", and in this form the treaty was sent by President Harrison to the Senate for ratification.

No action was taken on the treaty prior to the end of President Harrison's term, and President Cleveland coming into office March 4, 1893, recalled the treaty from the Senate and no further action was taken concerning it.

VIII.

CONSTITUTION OF THE REPUBLIC OF HAWAII PROVIDED FOR
ANNEXATION.

President Cleveland having declined to consider annexation, the Provisional Government of Hawaii proceeded to transform itself into the Republic of Hawaii, and on July 4, 1894, adopted a constitution enacted by a constitutional convention.

Article 33 of this constitution provided for the making of "a treaty of political or commercial union, between the Republic of Hawaii and the United States, subject to the ratification of the Senate"—the Senate referred to is that of Hawaii.

(The provision in the constitution concerning a "commercial union" was to make provision for such a treaty if "political union" failed—the administration at Washington being then opposed to the latter. No action was ever taken looking toward a treaty of "commercial union".)

IX.

THE MCKINLEY TREATY OF ANNEXATION.

Upon the accession of William McKinley to the Presidency of the United States a new annexation commission was accredited to Washington by the Republic of Hawaii.

President McKinley approved of the principle of annexation and designated Secretary of State John Sherman to represent the United States in negotiating such treaty. Ex-Secretary of State John W. Foster acted as advisory counsel for the United States.

The Hawaiian Commissioners requested that annexation be expressed in the terms of the Harrison treaty, viz:—that they be annexed to the United States "as an integral part thereof".

The request was complied with, and the preamble of the treaty recites that the Republic of Hawaii has expressed a desire "that those islands shall be incorporated into the United States as an integral part thereof".

"To this end" the treaty was entered into.

Section 1 of the treaty provides that . . . "The Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii".

X.

STATEMENT OF SECRETARY OF STATE JOHN SHERMAN.

In a letter by John Sherman, Secretary of State, transmitting the treaty when signed by the plenipotentiaries, to President McKinley, he said that, other forms of union being impracticable:

"There remained therefore the annexation of the islands and their complete absorption into the political system of the United States as the only solution satisfying all the given conditions and promising permanency and mutual benefit".

XI.

STATEMENT OF PRESIDENT MCKINLEY, UPON TRANSMISSION TO THE UNITED STATES SENATE, OF THE TREATY ANNEXING HAWAII.

In his letter transmitting the treaty to the Senate, President McKinley said:

"The incorporation of the Hawaiian Islands into the body politic of the United States is a necessary and fitting sequel to the change of events which, from a very early period in our history, has controlled the intercourse and prescribed the association of the United States and the Hawaiian Islands — the organic and administrative details of incorporation are necessarily left to the wisdom of the Congress, and I can not doubt, when the function of the treaty-making power shall have been accomplished, the duty of the national legislature in the case will be performed with the largest regard for the interests of this rich insular domain and for the welfare of the inhabitants thereof."

XII.

RATIFICATION OF THE MCKINLEY TREATY BY THE HAWAIIAN SENATE.

In accordance with the constitution of the Republic of Hawaii, the McKinley treaty was thereupon ratified by the Hawaiian Senate, and the cession of Hawaii to the United States provided for, so far as Hawaii could accomplish the same.

The treaty as a whole was embodied in the resolution ratifying it.

(Annexation was finally consummated, not by ratification of the treaty by the United States Senate, but by Joint Resolution of the Congress.)

The wording of the treaty and the action of the Hawaiian Senate, are, however, of vital importance to the issue now under discussion; for the treaty states that it is made "to the end that those islands shall be incorporated into the United States as an integral part thereof", and the ratification of such treaty by the Hawaiian Senate is referred to in the Joint Resolution of annexation as the cession on the part of Hawaii, upon which the Joint Resolution was based. The Joint Resolution therefore incorporates into itself the said basis of annexation as much as though

the Resolution had contained the words—"to the end that those islands shall be incorporated into the United States as an integral part thereof".

XIII.

ANNEXATION OF HAWAII BY JOINT RESOLUTION OF THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES.

The Senate of the United States having failed to act upon the McKinley treaty, a joint resolution of annexation was adopted by both houses of Congress, July 7, 1898, accepting the "cession" provided for by the treaty as ratified by the Hawaiian Senate.

The preamble of the Joint Resolution recites such "cession" by Hawaii, and in the body of the resolution states that "such cession is accepted, ratified and confirmed".

(See records of the United States State Department and of Congress.)

XIV.

STATEMENT OF HAROLD M. SEWALL, U. S. MINISTER AT HONOLULU, UPON FORMAL TRANSFER OF THE SOVEREIGNTY OF HAWAII TO THE UNITED STATES.

Upon the occasion of formal transfer of the sovereignty of Hawaii on August 12, 1898, Harold M. Sewall, minister of the United States to Hawaii, presenting to President Dole of the Republic of Hawaii a certified copy of the Joint Resolution, said: "This Joint Resolution accepts, ratifies and confirms, on the part of the United States, the cession formally consented to and approved by the Republic of Hawaii".

(The "cession" referred to is the ratification of the McKinley treaty by the Hawaiian Senate, above referred to.)

XV.

STATEMENT OF PRESIDENT DOLE UPON THE TRANSFER OF SOVEREIGNTY OF HAWAII TO THE UNITED STATES.

In replying to the last above noted address by Minister Sewall, President Dole said:

"A treaty of political union having been made, and the cession formally consented to and approved by the Republic of Hawaii, having been accepted by the United States of America, I now in the interest of the Hawaiian body politic and with full confidence in the honor, justice and friendship of the American people, yield up to you as the representative of the government of the United States, the sovereignty and public property of the Hawaiian Islands."

XVI.

ENACTMENT BY CONGRESS OF AN ACT ORGANIZING HAWAII INTO
A TERRITORY.

On April 30, 1900, the Congress enacted the Hawaiian Organic Act, creating Hawaii into a Territory of the United States, providing therein, among other things:

“Section 5. That the Constitution, and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.”

XVII.

DECISION OF THE UNITED STATES SUPREME COURT CONCERNING
THE STATUS OF HAWAII IN THE UNION.

In 1903, the Supreme Court of the United States decided unanimously in the case of *Hawaii v. Mankichi*, 190 United States Supreme Court Reports, 197, that Hawaii had been incorporated as an “integral part of the United States”.

Several opinions were announced, but on this point the only difference of opinion was as to when such incorporation became complete.

Chief Justice White, speaking for himself and Justices Harlan, Brewer and Peckham, said, among other things, referring to the McKinley treaty and the Joint Resolution accepting its terms:

“The preamble of this treaty expressed ‘the desire of the government of the Republic of Hawaii that those islands should be incorporated into the United States as an integral part thereof and under its sovereignty’, and that the governments ‘have determined to accomplish by treaty an object so important to their mutual and permanent welfare’.”

(See page 224; also separate opinion of Justice Harlan, page 227; also, page 225—“By the resolution the annexation of the Hawaiian Islands became complete and the object of the proposed treaty, that ‘those islands should be incorporated into the United States as an integral part thereof and under its sovereignty’, was accomplished.”)

XVIII.

DECISION BY THE DEPARTMENT OF JUSTICE AND THE BUREAU OF
EDUCATION OF THE UNITED STATES UPON THE STATUS OF
HAWAII IN THE UNION.

After enactment by Congress of the Organic Act, the several Executive Departments of the United States Government differed

in their rulings as to whether general appropriations applying to the states as a whole were applicable to Hawaii,—the decisions, as a rule, being that they did.

In 1907, the Territory of Hawaii established a college of agriculture and mechanic arts (now the University of Hawaii) and applied for Federal assistance under the Acts of Congress supplementing the "Morrill Act".

The executive officers of the Department of Justice and the Bureau of Education gave formal decisions that Hawaii was not entitled to aid under such acts.

Hawaii applied for a reconsideration and reversal of these decisions and presented a statement of facts and arguments supporting her position.

The said officials, upon such reconsideration, reversed their previous rulings and extended the aid provided by Congress, to the College of Hawaii, and it has ever since shared in the general appropriations made for such colleges throughout the United States.

XIX.

ACT OF CONGRESS REVERSING THE RULING OF THE TREASURY DEPARTMENT AND INCLUDING HAWAII IN GENERAL APPROPRIATIONS.

After the final rulings in connection with the College of Hawaii, the Territory of Hawaii applied for aid to its topographic and hydrographic survey, under the general appropriations that were made by Congress for the topographic and hydrographic surveys "of the United States".

The executive officials of the United States Treasury Department decided that this appropriation was inapplicable to the Territory of Hawaii, and refused the latter's request.

Application was thereupon made to Congress for remedial legislation to meet this ruling of the Treasury Department, whereupon Congress passed an act on May 27, 1910, amending Section 5 of the Organic Act by inserting therein the words "including laws carrying general appropriations" so that said Section now reads as follows:

"Section 5. That the constitution, and except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States."

Upon the passage of this amendment to the Organic Act, the Treasury Department changed its ruling, and Hawaii has ever since shared in the general appropriations for such surveys.

XX.

HAWAII IS SUBJECTED TO EVERY TAX, IMPOST, IMPORT DUTY, AND ALL OTHER OBLIGATIONS IMPOSED UPON THE SEVERAL STATES.

As examples:

Hawaii Naval Reserve and National Guard Called Into Federal Service. During the war, the Naval Reserve and the National Guard of Hawaii were called into the service of the Federal Government and served upon the same basis as those of the several states.

Draft Law Applied in the Territory of Hawaii. The Draft Law was applied in the Territory of Hawaii upon the same basis as in the several states, and the men drafted served in the forces of the United States.

Federal Internal Revenue Laws Applied to Hawaii. All Federal Internal Revenue Laws are applied in the Territory of Hawaii upon the same basis as the states.

In 1921, Hawaii paid Federal Internal Revenue taxes amounting to \$20,680,103.23, a greater sum than was paid by any one of 17 states.

In 1922, Hawaii paid Federal Internal Revenue taxes amounting to \$15,515,063.03, a greater sum than was paid by any one of 19 states.

Federal Import Customs Duties Are Imposed Upon All Foreign Merchandise Entering Hawaii. In 1921, the Federal Government collected import customs duties in the Territory of Hawaii amounting to \$1,426,716.32, besides other charges.

In 1922, the Federal Government collected import customs duties in the Territory of Hawaii amounting to \$1,076,153.12, and other charges.

It will be noted that import customs duties collected by the Federal Government in the "Insular Possessions", are returned to the local government. This is not the case in the Territory of Hawaii. The entire collections are retained in the Federal Treasury.

It will be further noted that merchandise entering ports of the mainland, upon which customs duties are collected, pass on to interior States, the payment of the duties being, therefore, divided among several, if not many, States.

This is not so as to imports into Hawaii, where they are all consumed, and the Territory of Hawaii consequently pays the entire amount of the duties.

XXI.

ALL CALLS BY NATIONAL GOVERNMENT AND ORGANIZATIONS FOR FINANCIAL CONTRIBUTIONS ARE APPORTIONED TO THE TERRITORY OF HAWAII UPON THE SAME BASIS AS TO THE SEVERAL STATES.

Every call made by the Federal Government for subscriptions to Liberty Loans and War Savings Stamps, was apportioned to the Territory of Hawaii upon the same basis as to the several States, and in every instance the Territory of Hawaii "went over the top" in the front rank with wide margins to spare.

Likewise, all calls by national philanthropic, patriotic and relief organizations, national and international, such as the Red Cross, Y. M. C. A., Belgian Relief, Near East Relief, etc., for funds, have been apportioned to the Territory of Hawaii upon the same basis as to the several States.

XXII.

INCLUSION OF THE TERRITORY OF HAWAII IN FINANCIAL AND OTHER OBLIGATIONS AND EXCLUSION FROM FINANCIAL BENEFITS, UNJUST, INEQUITABLE AND INCONSISTENT WITH PLEDGES MADE TO HAWAII AT TIME OF ANNEXATION.

It is submitted that the inclusion of Hawaii in all financial and other obligations imposed upon the States, and the exclusion of the Territory from the financial benefits and aids extended to the States as a whole, is unjust and inequitable, and inconsistent with the pledges and assurances of the United States, made through its Executive officials during the negotiation of annexation, as above set forth in the statements of Secretary of State Marcy, Secretary of State Foster and President McKinley; and also constitutes a failure to meet the trust in the good faith of the United States, expressed by President Dole, of Hawaii, upon the occasion of the transfer of the sovereignty of Hawaii to the United States.

SECTION 3. The Legislature of the Territory of Hawaii hereby expresses its sincere confidence in the good faith and intent of the Congress to do full justice to the Territory of Hawaii, and further expresses its earnest belief that the matters and things herein enumerated as inconsistent with the rights of the Territory of Hawaii, grow out of inadvertence or misunderstanding, and will be speedily remedied when the Congress is fully informed of the facts.

SECTION 4. To the end, therefore, that removal of all misunderstanding in the premises may be speedily accomplished, and such action taken by the Congress and the Federal Executive as may meet and remedy the conditions herein recited, the Governor is hereby authorized and empowered to appoint a commission of three persons, one of whom shall be designated as chairman, and to fill vacancies therein if any occur, to prepare such brief and further evidence and argument as may be necessary or proper, and to proceed to Washington, D. C., and, in association with the Delegate to Congress from Hawaii, present and urge the claims of

the Territory of Hawaii above set forth with a view to securing from Congress and the Executive, recognition in appropriate form, of the claims of Hawaii above set forth; more particularly to secure such legislation from Congress, by amendment to existing law or by new legislation as may include Hawaii in all Acts in aid of good roads, education, farm loans, maternity, home economics, training in agriculture, trade and industry, and other Acts of a like nature, which apply to the States as a whole, so that such Acts may apply to and include Hawaii in the same manner and upon the same basis as they do to the several States.

SECTION 5. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 87

[H. B. No. 275]

AN ACT PROVIDING FOR THE PAYMENT OF THE CLAIM OF I. HARA.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The territorial treasurer is hereby authorized and directed to pay upon a warrant drawn by the auditor of the Territory of Hawaii, from the account known as "Commissions and Expenses, third taxation division" under Act 227 of the Session Laws of 1921, the sum of eighty-two and 75/100 dollars (\$82.75) to I. Hara, for work, labor and materials furnished by him to the tax office, third taxation division, during the year 1919.

The said amount shall be paid to I. Hara upon receiving from him a receipt in such form as the treasurer of the Territory shall determine.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 88

[H. B. No. 283]

AN ACT TRANSFERRING MONEYS FROM THE HONOLULU ARMORY FUND AND THE ATHLETICS FUND OF THE MILITARY DEPARTMENT TO THE GENERAL AND REGIMENTAL EXPENSES FUND OF THE MILITARY DEPARTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby authorized to transfer the sum of nine hundred dollars (\$900.00) from the Honolulu Armory Fund, provided by section 201 of the Revised Laws of Hawaii, 1915, and the sum of six hundred dollars (\$600.00) from the Athletics Fund of the Military Department, provided by Act 229 of the Session Laws of 1921, to the General and Regimental Expenses Fund of the Military Department, also provided by the said Act 229.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 89

[H. B. No. 288]

AN ACT AUTHORIZING AND EMPOWERING THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE ADDITIONAL FUNDS FOR FIRE PROTECTION IN SAID CITY AND COUNTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and empowered to appropriate and expend out of its general and/or permanent improvement fund the sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary, for the purpose of erecting one

fire station at Waikiki and one fire station at Nuuanu including the necessary equipment for such fire stations.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 90

[S. B. No. 54]

AN ACT TO PROVIDE FOR WATER AND ROAD DEVELOPMENT ON THE HAWAIIAN HOME LANDS ON THE ISLAND OF MOLOKAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the development of a water system to provide domestic water for settlers taking up lots on the Hawaiian home lands on the Island of Molokai, under the act of Congress known as the Hawaiian Homes Commission Act, 1920, and for the building of roads on the said lands, there is hereby appropriated the sum of seventy-five thousand dollars (\$75,000.00) out of moneys to be received from the sale of bonds issued for this purpose; and bonds may be issued—as provided by the laws of the Territory of Hawaii and by Section 220 of the Hawaiian Homes Commission Act, 1920—to the extent required to yield the said sum.

SECTION 2. Provision for a sinking fund, for the payment of the said bonds, and for the payment of interest upon them, shall be made in accordance with said Section 220.

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 91

[S. B. No. 126]

AN ACT TO AMEND SECTIONS 1, 2, 3 AND 4 OF ACT 218 OF THE SESSION LAWS OF 1921 PROVIDING FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1, 2, 3 and 4 of Act 218 of the Session Laws of 1921 providing for public improvements are hereby amended so as to read as follows:

"Section 1. The following sums are hereby appropriated for the following purposes out of any available moneys now in the treasury or hereafter received by the treasurer for or on account of loan funds and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

TERRITORIAL IMPROVEMENTS.*Wharf and Harbor Improvements.*

(To be expended under the direction of the Harbor Commission.)

Oahu:

1. Completion of Piers 8, 9 and 10.....	\$677,500.00
4. Additional pipe lines.....	40,000.00

Hawaii:

5. Addition to shed and dredging at Kuhio Wharf	60,000.00
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Maui:

8. Dredging, Kahului	50,000.00
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Other Improvements:

19. Continuation of Volcano Concrete Road...	220,000.00
20. Continuation of concrete road from Four Mile Bridge toward Hilo, provided the board of supervisors of the County of Hawaii appropriates a like amount.....	37,500.00"

"Section 2. The following sums are also hereby appropriated for the following purposes out of any available money now in the treasury or hereafter received by the treasurer for or on account of loan funds and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated; provided that the sums specified in items 30 to 53 hereof, both inclusive, shall be expended by the boards of supervisors of the respective counties or city and county, in accordance with plans and specifications prepared by the engineer of such county or city and county, subject to the provisions of Section 4 hereof.

Construction, relocation and reconstruction of belt roads and bridges; extensions of pipe lines; addition to hospital and equipment; and installation of water works:

County of Hawaii:

30. Concrete bridges and approaches.....	\$ 100,000.00
34. Hilo Memorial Hospital and equipment (addition)	80,000.00

City and County of Honolulu:

39. Installation of sewer system at Waipahu..	110,000.00
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County of Maui:

43. Acquiring water rights and installing pipe line, Makawao	25,000.00
46. Belt road, Kailua toward Kopiliula.....	50,000.00

County of Kauai:

47. Water works, Kapaa.....	60,000.00
53. Macadamizing Ahukini Road	30,000.00
<hr/>	
\$1,540,000.00	

In case the amount specified in any item of this section for the construction or reconstruction of the road named in said item shall not be wholly required for such road, the unexpended or unrequired balance may be expended for the road work specified in any of the other items for the same county or city and county."

"Section 3. Each county or city and county shall pay to the Territory, on the interest dates of any bonds that may be issued by the Territory, the proceeds of which shall have been expended for

such of the projects referred to in said items 30 to 53, both inclusive, as shall have been expended in such county or city and county, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds and also such sums annually on the second interest date and the same date each year, thereafter, during the term for which such bonds shall have been issued, whether afterwards refunded or not, that the aggregate of such sums annually paid will, compounded annually at such rate of interest, equal, at the expiration of such term, such par value; and the auditor of the Territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of such county or city and county, such amounts when due as are required by this section, to be paid by such county or city and county, and proper receipts shall thereupon be exchanged between the treasurers of the Territory and of such county or city and county; provided, however, that such county or city and county may, at the option of its board of supervisors, pay on account of such bonds on any such interest date, any additional sum and when the accrued values of all sums other than interest, paid on account of such bonds, shall equal the par value of such bonds, all the obligations of said county or city and county in respect of such bonds, principal and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for by Section 1182 of the Revised Laws of Hawaii, 1915, in addition to the amounts required to be deposited by said section."

"Section 4. No moneys shall be expended under items 30 to 53, both inclusive, of this Act, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any sewerage system, road or roads intended to be paid for in whole or in part with moneys provided by said items shall first be passed upon and approved by the superintendent of public works. Before approving said methods, materials, plans and specifications, said superintendent shall inspect the locality in which the said work is proposed to be done and shall familiarize himself with the local conditions affecting the said proposed work."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 92

[H. B. No. 58]

AN ACT TO AMEND SECTIONS 2506A, 2506B AND 2506G OF CHAPTER 141 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 91 OF THE SESSION LAWS OF 1917, AND ACT 18 OF THE SESSION LAWS OF 1919, RELATING TO PROBATE JURISDICTION AND PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2506A of Chapter 141 of the Revised Laws of Hawaii, 1915, as amended by Act 91 of the Session Laws of 1917, and by Act 18 of the Session Laws of 1919, is hereby amended to read as follows:

“Section 2506A. Whenever by reason of the death of any person and the want of an executor or administrator for the estate of such person, there shall be money or funds due and payable to the estate of such person in a sum not exceeding one thousand dollars (\$1,000.00) or there shall be property belonging to the estate of such person of a value not exceeding one thousand dollars (\$1,000.00), the clerk of the circuit court of the circuit of which such person was or shall be a resident at the time of his death, shall have the authority to collect and receive such money or funds and to administer said estate.”

SECTION 2. Section 2506B of Chapter 141 of the Revised Laws of Hawaii, 1915, as amended by Act 91 of the Session Laws of 1917, is hereby amended to read as follows:

“Section 2506B. Upon the receipt of such money or funds, it shall be the duty of such clerk to publish such fact by posting a notice thereof at the front entrance of the circuit court house of such circuit and publish such fact at least once in a newspaper printed in the English or Hawaiian language, or both, as ordered by the court, if there be such papers published in said circuit.”

SECTION 3. Section 2506G of Chapter 141 of the Revised Laws of Hawaii, 1915, as amended by Act 91 of the Session Laws of 1917, is hereby amended to read as follows:

“Section 2506G. All proceedings had under and by virtue of Section 2506A to 2506G inclusive, shall be free of all costs except for the cost of advertising the notice specified in Section 2506B,

the cost of which shall be payable from the funds coming into the hands of the clerk."

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 93

[H. B. No. 96]

AN ACT TO AMEND SECTIONS 2755A AND 2763 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO REMEDIES OF LANDLORDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2755A of the Revised Laws of Hawaii, 1915, as enacted by Act 171 of the Session Laws of 1915, is hereby amended so as to read as follows:

"Section 2755A. *Joinder of other causes of action.* In any action for summary possession begun under the provisions of Chapter 154, the plaintiff may join actions for rent, profits, damages and waste where these arise out of and refer to the land or premises whose possession is sought, and in the District of Honolulu such joinder may be made irrespective of the amount claimed."

SECTION 2. Section 2763 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2763. *Writ not stayed by Section 2510 in proceedings for non-payment of rent.* Nothing in Section 2510 shall be construed as abridging the right of a landlord in the case of proceedings for the non-payment of rent brought under this chapter to the immediate issuance of a writ of possession, except as provided in Section 2762, provided, however, that every defendant in suits brought under this chapter, except only in cases of proceedings for non-payment of rent, shall, in order to stay a writ of possession within five days after an adverse judgment in the district court, file in such court and in the pending cause a bond

in such sum as the presiding magistrate shall reasonably fix conditioned to pay to the plaintiff (who shall be obligee in said bond) all damages which the plaintiff shall sustain by reason of the appeal of said cause in case the judgment of the district court shall be finally affirmed."

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 94

[H. B. No. 122.]

AN ACT AMENDING ACT 102 OF THE SESSION LAWS OF 1919, AS AMENDED BY ACT 6 OF THE SPECIAL SESSION LAWS OF 1920, BY CHANGING THE NAME OF THE "HOME FOR FEEBLE-MINDED PERSONS" TO "WAIMANO HOME."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 102 of the Session Laws of 1919, as amended by Act 6 of the Special Session Laws of 1920, is hereby amended to read as follows:

"Section 1. There is hereby created a board of commissioners for a home for the feeble-minded, such home to be known as "Waimano Home", consisting of five members, to be appointed by the governor as provided by Section 80 of the Organic Act. The commissioners shall select a chairman from among their own number, and shall serve without compensation.

The commissioners shall hold office for three years, except when the board is first constituted, two members shall be appointed for three years, two for two years, and one for one year.

All rights intended to be secured to the said home for feeble-minded as to the use of land, appropriations, etc., shall be unaffected by the designation of the home as the "Wiamano Home".

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 95

[H. B. No. 167]

AN ACT TO CONSTRUCT A ROAD OR ROADS IN THE HONOMU HOMESTEAD TRACT, DISTRICT OF SOUTH HILO, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS ON THE ISLAND OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seven thousand dollars (\$7,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, toward the construction of a road or roads in the Honomu Homestead tract, District of South Hilo, County of Hawaii.

SECTION 2. The said sum of seven thousand dollars (\$7,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said road. The commissioner of public lands shall contract for the construction of said road, but in no case shall contract for an amount in excess of the said sum of seven thousand dollars (\$7,000.00).

SECTION 3. The said sum of seven thousand dollars (\$7,000.00) or as much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sale of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 96

[H. B. No. 200]

AN ACT TO PROVIDE AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII FOR THE CONSTRUCTION OF ROADS THROUGH ALEWA HEIGHTS LOTS, SECOND SERIES, AND REPEALING ACT 194 OF THE SESSION LAWS OF 1919 AND ACT 47 OF THE SESSION LAWS OF 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of forty-five thousand dollars (\$45,000.00) or so much thereof as shall be necessary, is hereby appropriated by way of advancement out of any moneys in the general revenues of the territory, not otherwise appropriated, for the construction of permanent roads through the Alewa Heights Lots, Second Series, in the City and County of Honolulu, and for a permanent road to connect said roads with Hala Drive. The said sum hereby appropriated shall become available for the construction of said roads when and after provision shall have been made by the City and County of Honolulu for the laying of water mains in or through said tract.

SECTION 2. The said sum of forty-five thousand dollars (\$45,000.00) or so much thereof as shall be necessary, shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall have charge of the construction of said roads and who shall contract for the construction of said roads with or through the City and County of Honolulu, as is provided by law.

SECTION 3. The moneys hereby appropriated shall be repaid into the general fund of the territory from the proceeds of sale of said lots, which shall be offered for sale by said commissioner as soon as practicable after the completion of said roads.

SECTION 4. Act 194 of the Session Laws of 1919 and Act 47 of the Session Laws of 1921 are hereby repealed.

SECTION 5. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 97

[H. B. No. 206]

AN ACT TO APPROPRIATE THE SUM OF TEN THOUSAND DOL-
LARS (\$10,000.00) BY WAY OF ADVANCEMENT FOR THE CON-
STRUCTION OF A ROAD CONNECTING KUHIO WHARF ROAD
WITH KEAUKAHA ROAD, WAIAKEA, SOUTH HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary, is hereby appropriated by way of advancement out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of a road connecting Kuhio Wharf Road with Keaukahā Road, Waiakea, South Hilo, Hawaii, said road to run along the north westerly side of the Waiakea warehouse lots.

SECTION 2. The said sum of ten thousand dollars (\$10,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall construct said road by contract with or through the County of Hawaii, as is provided by law.

SECTION 3. The money hereby appropriated shall be deemed to be an advancement out of the general fund of the Territory of Hawaii, said fund to be reimbursed from the proceeds of sales of public lands, for other than homestead purposes, on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 98

[H. B. No. 218]

AN ACT TO AMEND SECTION 1195 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 24 OF THE SESSION LAWS OF 1919, RELATING TO FEES OF BANK EXAMINER.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1195 of the Revised Laws of Hawaii, 1915, as amended by Act 24 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 1195. Fees. The following fees for making examinations shall be paid to the treasurer of the territory for the use of the territory:

"For examining all copartnerships, individuals or corporation doing a banking or trust business, and all fiduciary companies having a paid-up capital of less than ten thousand dollars, ten dollars; those having a paid-up capital of ten thousand dollars and less than twenty-five thousand dollars, twenty dollars; those having a paid-up capital of twenty-five thousand dollars and less than fifty thousand dollars, thirty dollars; those having a paid-up capital of fifty thousand dollars and less than seventy-five thousand dollars, forty dollars; those having a paid-up capital of seventy-five thousand dollars and less than one hundred thousand dollars, fifty dollars; those having a paid-up capital of one hundred thousand dollars and less than one hundred twenty-five thousand dollars, seventy dollars; those having a paid-up capital of one hundred twenty-five thousand dollars and less than one hundred fifty thousand dollars, eighty dollars; those having a paid-up capital of one hundred fifty thousand dollars and less than one hundred seventy-five thousand dollars, ninety dollars; those having a paid-up capital of one hundred seventy-five thousand dollars and less than two hundred thousand dollars, one hundred dollars; those having a paid-up capital of two hundred thousand dollars and less than two hundred twenty-five thousand dollars, one hundred ten dollars; those having paid-up capital of two hundred twenty-five thousand dollars and less than two hundred fifty thousand dollars, one hundred twenty dollars; those having a paid-up capital of two hundred fifty thousand dollars and less than three hundred thousand dollars, one hundred fifty dollars; those having a paid-up capital of three hundred thousand dollars and less than four hundred thousand dollars, one hundred sixty dollars; those having a paid-up capital of four hundred thousand dollars and less than five hundred thousand dollars, one hun-

dred seventy dollars; those having a paid-up capital of five hundred thousand dollars and less than seven hundred fifty thousand dollars, two hundred dollars; and those having a paid-up capital of seven hundred fifty thousand dollars and over, two hundred fifty dollars; such amounts shall be paid by each of the copartnerships, individuals and corporations doing a banking or trust business, or both, and for all so examined such compensation shall be in lieu of all other charges or fees for making said examination. An examination fee of fifty dollars shall be paid by each branch bank in addition to the examination fee paid by the main institutions."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 99

[H. B. No. 239.]

AN ACT TO AMEND ACT 220 OF THE SESSION LAWS OF 1917, RELATING TO THE ESTABLISHING OF A FUND FOR PENSIONING RETIRED POLICE OFFICERS, FIREMEN AND BANDSMEN OF THE COUNTIES AND CITY AND COUNTY, AND CERTAIN PERSONS DEPENDENT UPON THEM, AND TO REGULATE THE COLLECTION, MANAGEMENT AND DISBURSEMENT THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The third subdivision of Section 3 of Act 220 of the Session Laws of 1917, is hereby amended so as to read as follows:

"Third. Upon the death of any member of such police force, fire department or band, as a result of any injury received or disease contracted while in the performance of his duty, or when entitled to a pension under the provisions hereof, there shall be paid, for funeral expenses, a sum not to exceed one hundred dollars (\$100.00); and should such deceased member leave a dependent widow or leave a child or children under the age of sixteen years, or both, then there shall be paid to such widow out of such fund twenty-five dollars (\$25.00) per month until

her death or remarriage and to such children each five dollars (\$5.00) per month until they arrive at the age of sixteen years, respectively, to be paid to the mother of such children, if living, for their benefit, so long as such children shall reside or be supported by her."

SECTION 2. The fourth subdivision of section 3 of said Act 220 of the Session Laws of 1917, is hereby amended so as to read as follows:

"Fourth. If any member of such police force, fire department or band, shall so die not leaving a widow or child under sixteen years of age, but leaving a father or mother dependent upon him, such father or mother (but not both) shall, upon satisfactory proof of such dependency being made to such board of trustees, receive from such fund a sum not exceeding thirty-five dollars (\$35.00) per month. The said board of trustees shall determine whether such father or mother is dependent and how much of the amount herein provided for shall be paid to him or her respectively; provided, that if there be no widow and no child and no father or mother, but dependent brothers or sisters, then such pension shall be paid to them in such sums as shall not exceed the aggregate amount of thirty dollars (\$30.00) per month. On the remarriage of any widow entitled to the benefits of such sum, or in the event of such father or mother, brothers or sisters ceasing to be dependent, then such payments to them shall cease. Any pension authorized as provided in this section shall be subject to reduction by the board of trustees whenever, in its judgment, the condition of the pension fund or any other circumstances makes it reasonable, fair or necessary. Any pension so reduced may thereafter be restored or further reduced as the board of trustees may deem best.

Provided, however, that the benefits hereinbefore set forth shall be in lieu of any or other compensation payable to said member of such police force, fire department, or band or any of his dependents under or on account of Act 221, Session Laws of Hawaii, 1915, as amended, or any other claim or demand against the county or city and county by whom said member is employed.

Provided further, however, that said member of such police force, fire department or band or his dependents may, at his or their election, waive the benefit provided for in this Act and in lieu thereof claim any compensation or benefits that would otherwise be payable to said member or his dependents under said

Act 221, Session Laws of Hawaii, 1915, as amended, or in any manner authorized by law."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 100

[H. B. No. 290.]

AN ACT PROVIDING PAY FOR ENLISTED MEN OF THE NATIONAL GUARD OF HAWAII PARTICIPATING IN AN ENCAMPMENT DURING THE MONTHS OF SEPTEMBER AND OCTOBER, 1922.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Pursuant to section 224 of the Revised Laws of Hawaii, 1915, as amended by Act 86 of the Session Laws of 1917, the sum of eight thousand four hundred and forty-three dollars and fifty cents (\$8,443.50) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, by warrants drawn by the auditor of the Territory of Hawaii, upon vouchers approved by the adjutant general of the National Guard of Hawaii, for the payment of enlisted men of the National Guard of Hawaii who were called into a fifteen days' encampment by order of the commanding officer of the military forces of the United States, in the Territory of Hawaii, during the months of September and October, 1922.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 101

[H. B. No. 294.]

AN ACT TO PROVIDE FOR THE REMISSION OF COURT COSTS IN CERTAIN CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The magistrates and judges of all courts of the Territory of Hawaii shall have discretionary power to reduce or remit costs chargeable to a defendant, where, in special or exceptional cases, the costs of any suit, action or proceeding, may, to such magistrate or court, appear onerous.

SECTION 2. The provisions of this Act shall apply to actions at law and proceedings in equity.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 102

[H. B. No. 295.]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF ANTONIO MANUEL LUIZ.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon warrant issued by the auditor of the territory, out of any moneys of the general revenues of the territory not otherwise appropriated, the sum of four hundred forty-seven and 50/100 dollars (\$447.50) to Antonio Manuel Luiz, as reimbursement for expenses occasioned in the purchase of government land in Kaauhuhu Homesteads,

Island of Hawaii. Such payment shall be made on voucher or vouchers approved by the commissioner of public lands.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 103

[H. B. No. 301]

AN ACT REIMBURSING THE HENRY WATERHOUSE TRUST COMPANY, LIMITED, AS RECEIVER OF THE PEOPLE'S BANK, LIMITED, FOR MONEY ADVANCED BY IT TO THE HENRY DAVIS AUDIT COMPANY, LIMITED, FOR AUDITING THE AFFAIRS OF THE PEOPLE'S BANK, LIMITED, AND THE SECURITY TRUST COMPANY, LIMITED, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. To reimburse the Henry Waterhouse Trust Company, Limited, as Receiver of the People's Bank, Limited, for money advanced by it to the Henry Davis Audit Company, Limited, for auditing the affairs of the People's Bank, Limited, and the Security Trust Company, Limited, there is hereby appropriated from the general revenues the sum of two thousand dollars (\$2,000.00).

SECTION 2. The auditor of the Territory of Hawaii is hereby authorized and directed to draw a warrant upon the treasurer of the Territory of Hawaii, payable to the order of the Henry Waterhouse Trust Company, Limited, for the said sum of two thousand dollars (\$2,000.00) and to deliver the said warrant to the Henry Waterhouse Trust Company, Limited.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 104

[H. B. No. 313]

AN ACT TO AMEND CHAPTER 140 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO EQUITY JURISDICTION AND PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 140 of the Revised Laws of Hawaii, 1915, is hereby amended by adding a new section to be known as section 2475A to read as follows:

“Section 2475A. *Transfer of action at law erroneously begun in equity.* If at any time it appears that a suit commenced in equity should have been brought as an action on the law side of the court, it shall be forthwith transferred to the law side and be there proceeded with, with only such alterations in the pleadings as shall be essential.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 105

[H. B. No. 337.]

AN ACT TO AMEND CHAPTER 137 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO CIVIL PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2376 of the Revised Laws of Hawaii, 1915, is hereby amended by adding a new subdivision after subdivision 7 to read as follows:

“8. Claims arising out of the same transaction, or transactions connected with the same subject of action, and not included within one of the foregoing subdivisions of this section.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 106

[S. B. No. 43.]

AN ACT RELATING TO THE USE OF MONEYS RECEIVED BY COUNTIES OR CITY AND COUNTY FROM PUBLIC UTILITY CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All moneys received by any county or city and county from any public utility corporation under the provisions of the franchise granted to such corporation shall be kept in a special account in the treasury of such county or city and county and shall be expended for new construction work on public roads as authorized by the board of supervisors of said county or city and county, from time to time.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 107

[S. B. No. 72.]

AN ACT TO REGULATE THE SALE OF SECOND-HAND OR DEFECTIVE
GOODS, WARES AND MERCHANDISE.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be unlawful for any person, firm or corporation, in any newspaper, magazine, circular, form letter or any open publication, published, distributed or circulated in the Territory of Hawaii, or on any billboard, card, label or other advertising medium, or by means of any other advertising device, to advertise, call attention to, or give publicity to the sale of any goods, wares or merchandise which are or is defective in any manner, or which consist or consists of articles or units or parts known as "seconds", or blemished goods, wares or merchandise, or which goods, wares or merchandise have or has been rejected by the manufacturer thereof as not first-class, unless there be conspicuously displayed directly in connection with the name and description of such goods, wares or merchandise, and each specified article, unit or part thereof, a direct and unequivocal statement, phrase or word which will clearly indicate that such goods, wares or merchandise, or each article, unit or part thereof so advertised are or is second-hand, used, defective, or consist or consists of "seconds" or are or is blemished goods, wares or merchandise, or has been rejected by the manufacturer thereof, as the fact shall be.

Any person, firm or corporation who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 108

[S. B. No. 74.]

AN ACT TO AMEND SECTION 2285, REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 41, SESSION LAWS OF 1919, RELATING TO JUVENILE COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2285 of the Revised Laws of Hawaii, 1915, as amended by Act 41, Session Laws of 1919, is hereby further amended so as to read as follows:

"Section 2285. Judges, jurisdiction. The circuit judges sitting in chambers shall have original jurisdiction in all cases under Sections 2284 to 2291 inclusive, and the court held by any such judge under said sections shall be termed the juvenile court; provided that in the Counties of Hawaii and Maui the several district magistrates shall have concurrent jurisdiction in their respective districts, with the circuit judges of the circuits within which their districts are situated; and provided that the circuit judges of the second, third and fourth judicial circuits may entertain jurisdiction of any case disposed of by a district magistrate, notwithstanding such disposition by such district magistrate. In case of the absence, inability or disqualification of the judge, any other circuit judge may act in his place by assignment of the chief justice of the Supreme Court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 109

[H. B. No. 55.]

AN ACT CONCERNING AERONAUTICS AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO, AND REPEALING ALL LAWS INCONSISTENT THEREWITH.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definition of terms. In this Act, "aircraft" includes balloon, airplane, hydroplane, and every other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water, it shall be treated as an aircraft.

"Aeronaut" includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight.

"Passenger" includes any person riding in an aircraft but having no part in its operation.

SECTION 2. Sovereignty in space. Sovereignty in the space above the lands and waters of this Territory is declared to rest in the Territory, except where granted to and assumed by the United States.

SECTION 3. Ownership of space. The ownership of the space above the lands and waters of this Territory is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in Section 4.

SECTION 4. Lawfulness of flight. Flight in aircraft over the lands and waters of this Territory is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable, as provided in Section 5.

SECTION 5. Damage on land. The owner of every aircraft which is operated over the lands or waters of this Territory is

absolutely liable for injuries to persons or property on the land or water beneath, caused by the ascent, descent, or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property injured. If the aircraft is leased at the time of the injury to person or property, both owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured person, or owner or bailee of injured property, shall have a lien on the aircraft causing the injury to the extent of the damage caused by the aircraft or objects falling from it.

SECTION 6. Collision of aircraft. The liability of the owner of one aircraft to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air, shall be determined by the rules of law applicable to torts on land.

SECTION 7. Jurisdiction over crimes and torts. All crimes, torts and other wrongs committed by or against an aeronaut or passenger while in flight over this Territory shall be governed by the laws of this Territory; and the question whether damage occasioned by or to an aircraft while in flight over this Territory constitutes a tort, crime or other wrong by or against the owner of such aircraft, shall be determined by the laws of this Territory.

SECTION 8. Jurisdiction over contracts. All contractual and other legal relations entered into by aeronauts or passengers while in flight over this Territory shall have the same effect as if entered into on the land or water beneath.

SECTION 9. Dangerous flying a misdemeanor. Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this Territory, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, or paper handbills, shall be guilty of a misdemeanor and punishable by a fine of not more than one thousand dollars (\$1000.00), or imprisonment for not more than one (1) year, or both.

SECTION 10. Annual license required. No person except a member of the aviation corps of the United States Army, United States Navy, National Guard of Hawaii, or Naval Militia of Hawaii, or a person employed in the United States military or naval services as a pilot, shall operate any aircraft in, across or above the Territory of Hawaii without a license so to do obtained from the governor. All such licenses issued by the governor shall expire one year after the same are issued. No license shall be issued hereunder unless the applicant therfor has passed a thorough physical examination and a thorough examination as to his ability to operate aircraft given by a person or persons appointed by the governor.

SECTION 11. Examination of aircraft. It shall be unlawful for any person to operate any aircraft within, across or above the Territory of Hawaii that has been condemned by the aircraft inspector. The governor of the Territory of Hawaii shall, as may be required, designate a person as aircraft inspector who shall have the right at all times to examine all aircraft used in, across or above the said Territory and to condemn such aircraft as it shall be dangerous to the public to operate.

SECTION 12. Penalty. Any person violating any of the provisions of Sections 10 and 11 hereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment of not more than one year, or by both such fine and imprisonment.

SECTION 13. Hunting from aircraft a misdemeanor. Any aeronaut or passenger who, while in flight within this Territory, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than one thousand dollars (\$1000.00), or by imprisonment for not more than one year, or both.

SECTION 14. Uniformity of interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states and territories which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics.

SECTION 15. Short title. This Act may be cited as the Uniform Law for Aeronautics.

SECTION 16. Repeal. Act 14 of the Session Laws of 1915, as amended by Act 107 of the Session Laws of 1917, and all other

acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

SECTION 17. Time of taking effect. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 110

[H. B. No. 392.]

AN ACT AUTHORIZING THE PAYMENT TO MRS. VICTORIA WARD FOR INCREASED RENTAL FOR THE HONOLULU ANIMAL QUARANTINE STATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five hundred four and 15/100 dollars (\$504.15) is hereby appropriated out of any moneys received in the treasury of the Territory of Hawaii, from the general revenues, for payment to Mrs. Victoria Ward, as increased rental for the Honolulu Animal Quarantine Station grounds for the period from August 1, 1922, to June 30, 1923, both dates inclusive.

SECTION 2. The treasurer of the Territory of Hawaii is hereby authorized to pay upon warrants drawn by the auditor of the Territory, based on vouchers approved by the executive officer of the board of commissioners of agriculture and forestry, the amounts due Mrs. Victoria Ward, as increased rental, as the same shall become due up to the amount of the appropriation above made.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 111

[S. B. No. 12.]

AN ACT TO AMEND SECTION 2068 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 122 OF THE SESSION LAWS OF 1917, RELATING TO PEDDLERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2068 of the Revised Laws of Hawaii, 1915, as amended by Act 122 of the Session Laws of 1917, is hereby amended to read as follows:

"Section 2068. Fees. The fee for license to peddle merchandise shall be as follows:

The fee for an annual license shall be.....\$50.00
and

The fee for a quarterly or three months' license
or period less than three months shall be.....\$15.00;
provided, that no license shall be required of persons peddling fish,
fresh fruit, leis, flowers or vegetables, nor of any person who is
a citizen of the Territory of Hawaii and who has reached the age
of seventy (70) years.

A license to peddle merchandise shall authorize the holder
thereof to peddle only in the county or city and county which is
named in the license."

SECTION 2. This Act shall take effect from and after the first
day of July, A. D. 1923.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 112

[S. B. No. 116.]

AN ACT TO AMEND SECTION 3776 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO THE ASSIGNMENT OF COUNSEL FOR DEFENDANTS AND FEE IN CRIMINAL CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3776 of the Revised Laws of Hawaii, 1915, as amended by Act 11 of the Session Laws of 1919, is hereby amended to read as follows:

“Section 3776. Assignment of counsel for defendants; fees. In any felony case pending in a circuit court, where the person accused requests counsel for his defense, and shows to the satisfaction of the court that he is unable to obtain such counsel, the court shall assign him counsel from among the attorneys licensed to practice in courts of record and may allow such counsel a fee, provided that such fee shall not exceed two hundred dollars in cases where the penalty prescribed for the offense charged may be death, imprisonment for life or any term exceeding twenty years, and in other cases shall not exceed one hundred dollars (\$100.00), as in its discretion the court may allow. One fee only shall be allowed to counsel for a defendant in any one case, which shall be in full remuneration for all services performed for such accused person in regard to the offense charged in the circuit and supreme courts. No attorney shall be so paid who shall have received any other compensation for services in such case nor shall any attorney so paid demand or receive any other compensation for such services. The fees authorized in this section and all expenses of preparing the necessary transcript of evidence and records for the consideration of the supreme court on appeal, exceptions or writ of error, shall be paid out of the appropriation made for the general expense of the circuit court before which such case is pending.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 113

[H. B. No. 221.]

AN ACT TO APPROPRIATE BY WAY OF ADVANCEMENT, THE SUM OF EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00) FOR THE EXTENSION OF THE PECK ROAD, FROM ITS PRESENT NORTHWESTERLY END TO THE FIRST ROAD IN THE OLAA NEW TRACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of eight thousand five hundred dollars (\$8,500.00) or so much thereof as may be necessary is hereby appropriated by way of advancement out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated for the extension of the Peck Road from its present northwesterly end to the present road in the Olaa New Tract, Olaa, Hawaii.

SECTION 2. The said sum of eight thousand five hundred dollars (\$8,500.00) shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall construct said road by contract with or through the County of Hawaii, as is provided by law.

SECTION 3. The money hereby appropriated shall be deemed to be an advancement out of the general fund of the Territory of Hawaii, said fund to be reimbursed from the proceeds of sales of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 114

[H. B. No. 249.]

AN ACT TO APPROPRIATE THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) BY WAY OF ADVANCEMENT FOR THE EXTENSION, RECONSTRUCTION AND MACADAMIZING OF THE LAWAI VALLEY ROAD, DISTRICT OF KOLOA, COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary is hereby appropriated, by way of advancement, out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the extension, reconstruction and macadamizing of the Lawai Valley Road, District of Koloa, County of Kauai, mauka of the belt road.

SECTION 2. The said sum of ten thousand dollars (\$10,000.00) hereby appropriated shall become available on the signing of the contract herein referred to, and shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the commissioner of public lands, who shall construct said road by contract with or through the County of Kauai, as provided by law.

SECTION 3. The money hereby appropriated shall be repaid into the general fund of the treasury of the Territory of Hawaii from the sale of public lands upon the Island of Kauai.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 115

[H. B. No. 289.]

AN ACT MAKING AN APPROPRIATION OF TWO THOUSAND TWO HUNDRED AND NINETY-SIX DOLLARS AND FORTY-ONE CENTS (\$2,296.41) TO COMPLETE IMPROVEMENTS ON MILLER STREET IN THE AUWAIOLIMU DISTRICT, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand two hundred and ninety-six dollars and forty-one cents (\$2,296.41) is hereby appropriated out of the general revenues of the Territory of Hawaii, not otherwise appropriated, to be held in escrow by the commissioner of public lands until such time as the assessments are due for the improvement of Miller Street by the City and County of Honolulu, at which time it shall be used to pay the improvement district assessments on those lots, fronting on this street, which were purchased from the government as portions of the Auwaiolimu tract, subject to street improvements.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 116

[H. B. No. 270.]

AN ACT TO AMEND SECTION 1290 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PERSONAL AND PROPERTY TAXES

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1290 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1290. Penalty. A penalty of ten per cent shall be added by the assessor to the amount of all delinquent taxes, which

penalty shall be and become a part of such tax and be collected as a part thereof.

All delinquent taxes and penalties shall bear interest at the rate of one per cent for each month or fraction thereof from the expiration of fifteen days from the date of delinquency until paid, which interest shall be and become a part of such tax and be collected as a part thereof.

No taxpayer shall be exempt from delinquent penalties by reason of having made an appeal on his assessment; but no delinquent penalty shall attach to the amount of the tax on the actual amount in dispute until ten days after such appeal shall be finally decided, the amount in dispute being the exemption claimed or the difference between the amount returned by the taxpayer and the amount assessed."

SECTION 2. This Act shall take effect on January 1, 1924.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 117

[H. B. No. 345.]

AN ACT AMENDING SECTION 1165 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE DEPOSIT OF MONEYS IN BANKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1165 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1165. Authorized; conditions. Not more than ninety per cent of any moneys in the Territorial treasury belonging to the Territory, may be deposited by the treasurer of the Territory to the credit of the Territory in such national bank or banks, or in such banks doing business under the laws of the Territory, as the treasurer, with the approval of the Governor, may select, and any sum so deposited shall be deemed to be in the Territorial treasury, provided, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided and

pay interest on all deposits at a rate not less than two per cent nor more than three per cent per annum, and provided that in selecting such depositary bank or banks the rate of interest and the class of security offered shall both be considered as the basis of selection and due regard shall be given to the bank or banks doing business in the Territory, or such parts thereof, where the disbursements of public money are or may be made; provided that no more than fifty per cent of the aggregate amount of moneys of the Territory available for deposit and on deposit shall be deposited in any one bank; provided further, that for taxation purposes in returning its cash balance, a bank shall be allowed to deduct an amount not greater than that represented by the ratio that its government deposits bears to its total commercial deposits. The expense of transportation upon the moneys so deposited shall be borne by such depositaries. All deposits of money with interest thereon shall be paid upon demand on checks signed by the treasurer and counter-signed by the auditor, or by the payment of a certificate of deposit issued by the depositary, which certificate shall be endorsed by the payee named therein as well as by the auditor."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 118

[H. B. No. 356.]

AN ACT MAKING AN APPROPRIATION FOR THE TRANSPORTATION OF PUBLIC SCHOOL CHILDREN IN THE SECOND REPRESENTATIVE DISTRICT FOR THE PERIOD BEGINNING APRIL 2, 1923, AND ENDING DECEMBER 31, 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the treasury received from the general revenues the sum of seven thousand and fifty-six dollars (\$7,056.00) for the transportation of public school children in the second representative district for the period beginning April 2, 1923, and ending December 31, 1923.

SECTION 2. The tax assessor of the County of Hawaii shall, in the year 1924, add to the tax rate of his taxation division to produce the sum of seven thousand and fifty-six dollars (\$7,056.00) which said sum of money shall be repaid into the general revenues of the Territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 119

[H. B. No. 384.]

AN ACT TO AMEND SECTION 2757 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO REMEDIES OF LANDLORDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2757 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2757. Return day. The summons shall be returnable within such time as shall appear reasonable to the magistrate, or his duly appointed clerk, not less than three, nor more than five days, except in the district court of Honolulu in the City and County of Honolulu where it shall be returnable as provided by Section 2337; and the suit shall be conducted like other civil actions before such magistrate.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 120

[H. B. No. 398.]

AN ACT AMENDING SECTION 1230 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1230 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1230. Bicycle tax. All bicycles used for the conveyance of persons shall be subject to an annual tax of one dollar (\$1.00) each to be paid by the owners thereof to the treasurer or his deputy of the county or city and county as the case may be, and shall become due and payable on the 1st day of January and shall be delinquent on the 1st day of March of each year, and the moneys collected shall be paid into the general fund of such county or city and county. Upon receipt of such tax, the said treasurer or his depuy, shall number and register each bicycile, for which said tax is paid, in the owner's name and shall furnish the owner with a metallic tag for each bicycle with number and year marked thereon, charging therefor the sum of ten cents, which tag the owner shall attach to such bicycle. The metallic tags shall be in such form as the treasurer of the county or city and county shall from time to time prescribe. It shall be the duty of the board of supervisors of the several counties or of the city and county to purchase a sufficient number of such tags for use in such county or city and county. The high sheriff of the Territory, or his deputy, the sheriffs of the several islands, their deputies, the said treasurers and deputy treasurers and any person authoritatively acting on behalf of said treasurer or deputy treasurer and all members of the police force of the several districts of this Territory are directed to seize every bicycle liable to taxation and not tagged as required by this section, and to hold the same for a period of ten days, during which time it shall be subject to redemp:tion by its owner on payment of the tax due and a penalty of fifty cents. All bicycles not so redeemed shall be sold by the said high sheriff or his deputy, the sheriffs of the various islands, or any deputy sheriff of any district of this Territory, said treasurer or deputy treasurer, at public auction after first giving five days' public notice of the time and place of such sale by advertisement in a newspaper, if one is published in the district, or by posting such notices in at least three public places in the district where such sale is to be held; such sale shall be made for

the best price obtainable, which amount shall be forthwith paid over to the said treasurer or his deputy, accompanied by a statement containing a description of such bicycles, their number, makes, and any other marks of identification; such treasurer or his deputy, shall thereupon, after deducting from the amount so received the amount of the tax and penalty due, and costs of advertising, pay over to the owners of such bicycles any surplus there may be if it is possible to ascertain who the owners are, but if at the expiration of ninety days such owners remain unknown, such surplus shall be paid into the treasury of the county or city and county, as a government realization, and all claims to such sums shall be forever barred."

SECTION 2. This Act shall take effect January 1, 1924.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 121

[H. B. No. 401.]

AN ACT APPROPRIATING BY WAY OF ADVANCEMENT THE SUM OF
TEN THOUSAND DOLLARS (\$10,000.00) FOR THE CONSTRU-
CTION OF ROADS THROUGH THE KAPAA TOWN LOTS TRACT,
SECOND SERIES, KAPAA, KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads through the Kapaa Town Lots Tract, Second Series, Kapaa, Kauai.

SECTION 2. The sum hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said roads.

SECTION 3. The said sum of ten thousand dollars (\$10,000.00) or so much thereof as may be expended, shall be repaid into the General Fund of the Territory of Hawaii from the proceeds of sales of lots in the said tract.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 122

[S. B. No. 93.]

AN ACT TO AMEND SECTION 1 OF ACT 218 OF THE SESSION LAWS OF 1917, RELATING TO PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 218 of the Session Laws of 1917 is hereby amended so as to read as follows:

“Section 1. The sum of two hundred thousand dollars (\$200,000.00) is hereby appropriated out of any available money now in the treasury or hereafter received by the treasurer for and on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated, for the purpose of building a breakwater at Nawiliwili, Island of Kauai, Territory of Hawaii, to afford shelter and anchorage for shipping at Nawiliwili, Kauai.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 123

[S. B. No. 101.]

AN ACT PROVIDING PENSIONS FOR WILLIAM A. MCKAY, CHARLES B. COCKETT, JOE ANJO AND RECARD A. SILVA, AND AUTHORIZING AND DIRECTING THE COUNTY OF MAUI TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to pay each month, beginning with the month of July, 1923, to William A. McKay the sum of one hundred dollars (\$100.00); to Charles B. Cockett the sum of seventy dollars (\$70.00); to Joe Anjo the sum of forty dollars (\$40.00); and to Recard A. Silva the sum of forty dollars (\$40.00); all for the terms of the respective lives of said above named beneficiaries under this Act; provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 124

[S. B. No. 137.]

AN ACT TO PREVENT, SUPPRESS AND ERADICATE BOVINE TUBERCULOSIS AND TO PROVIDE FOR THE INDEMNIFICATION OF OWNERS OF CATTLE DESTROYED UNDER THE PROVISIONS OF THIS AND PRIOR ACTS AND TO REPEAL ACT 204 OF THE SESSION LAWS OF 1919, AS AMENDED BY ACT 128 OF THE SESSION LAWS OF 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All dairy cattle within this Territory more than six months old and all other cattle suspected of being affected

with tuberculosis, shall be tuberculin tested not oftener than once in six months, except in cases of herds having more than five per cent (5%) tuberculosis at the last test, in which cases more frequent tests may be made.

SECTION 2. All cattle found to be tuberculous either upon physical examination or by means of the tuberculin test shall be branded upon the left cheek with the registered brand "C".

SECTION 3. Disposal of tuberculous animals. The owner of all cattle reacting to the tuberculin test shall cause them to be segregated immediately and, within a reasonable time thereafter, to be delivered for slaughter and inspection at such time and place as may be designated by the Territorial veterinarian, his assistant or deputy. Such slaughter and inspection shall be under the direct supervision of the Territorial veterinarian, his assistant or deputy, and in accordance with the meat inspection regulations of the federal bureau of animal industry.

SECTION 4. Indemnification. The amount of indemnification shall be based upon the results of the post-mortem inspection as follows:

(a) If an animal is found upon post-mortem examination not to be affected with tuberculosis, the owner shall be paid three hundred and fifty dollars (\$350.00) for a pure-bred registered animal or two hundred and fifty dollars (\$250.00) for a grade animal.

(b) If an animal is found upon post-mortem examination to be affected with tuberculosis, the owner shall be paid one hundred dollars (\$100.00) for a pure-bred registered animal or fifty dollars (\$50.00) for a grade animal. The amount of indemnification being thus ascertained, the owner may present to the Territorial auditor a claim against the Territory of Hawaii for such indemnification. A warrant for the payment of such a claim shall be made upon vouchers approved by the president of the board of agriculture and forestry, and supported by the inspector's report on the presence or otherwise of tuberculous lesions, provided (a) that no indemnification shall be paid unless the owner has cooperated with the board in complying with all rules and regulations issued pursuant to the control and eradication of bovine tuberculosis and has presented his whole herd for testing; and provided (b) that no indemnification shall be paid for any imported animal which, after admission to the Territory, shall have been placed in

herds known to be infected at the time unless such animal is found upon post-mortem examination not to be affected with tuberculosis; and provided (c) that no indemnification shall be paid for any imported animal condemned on retest while in quarantine and before release from quarantine unless such animal is found upon post-mortem examination not to be affected with tuberculosis.

In case of any report or ruling adverse to the owner hereunder, said owner shall be given a hearing before said board before a final ruling is made.

SECTION 5. Any premises upon which there have been kept animals affected with tuberculosis shall be disinfected promptly after the removal of such animals and in a manner satisfactory to the Territorial veterinarian, his assistant or deputy and at the expense of the owner.

SECTION 6. The board of agriculture and forestry is hereby authorized to cooperate with the federal bureau of animal industry in its efforts to eradicate bovine tuberculosis or any other transmissible disease of animals, and is authorized to make appraisals of condemned animals and to report on the salvage derived from the sale of such animals in conformity with the regulations of said federal bureau.

SECTION 7. For the purpose of this Act, including the payment of pending claims, the sum of twenty-five thousand dollars (\$25,000.00) in addition to any moneys now appropriated and available for this purpose, is hereby appropriated.

SECTION 8. Act 204 of the Session Laws of 1919, as amended by Act 128 of the Session Laws of 1921, is hereby repealed.

SECTION 9. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 125

[S. B. No. 75.]

AN ACT RELATING TO SALES BY ITINERANT VENDORS, AND REPEALING ACT 194 OF THE SESSION LAWS OF 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The term "itinerant vendor" for the purpose of this Act shall mean and include any person, either principal or agent, who engages in a temporary or transient business in this Territory either in one locality or in traveling from place to place, selling goods, wares or merchandise, and who, for the purpose of carrying on such business, hires, leases or occupies a room (including a room in any hotel or house, whether such room be also used by such person as lodgings or not) or any part of any building or structure for the exhibition and sale of such goods, wares or merchandise, or for the display of catalogues or samples thereof for the purpose of taking orders therefrom for sale of goods, wares or merchandise except where such person is engaged in interstate commerce.

No itinerant vendor shall be relieved or exempted from the provisions and requirements of this Act by reason of associating himself temporarily with any local dealer, auctioneer, trader, merchant or expressman or by conducting such temporary or transient business in connection with, or in the name of any local dealer, auctioneer, trader, merchant or expressman.

The provisions of this Act shall also apply to, and the term "itinerant vendor" shall for the purpose of this Act, mean and include any person, either principal or agent who engages in a temporary or transient business in this Territory, selling goods, wares and merchandise, whether such person does or does not for the purpose of carrying on such business, hire, lease, or occupy any room, building or structure for the exhibition and sale of such goods, wares and merchandise, and who, in making or causing to be made, deliveries thereof, shall send or cause to be sent in one package, box or crate, or other container, to a single consignee, whether such consignee be himself or not, goods, wares or merchandise for more than one purchaser, for the purpose of having deliveries made to the individual purchasers by such consignee.

The provisions of this Act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery to dealers, nor to hawkers on the street, nor peddlers from vehicles, nor to any sale of goods,

wares or merchandise on the grounds or premises of any religious or benevolent organization or any incorporated agricultural society during the continuance of any fair held by such organization or society, nor to the sale of pictures at a bona fide art exhibit or the sale by an artist of his or her own pictures.

SECTION 2. Every itinerant vendor shall, before commencing business in this territory, make application in writing under oath to the Treasurer of the Territory, for a license, stating the names and residences of the owners or parties in whose interest said business is conducted; shall make a special deposit of one thousand dollars (\$1,000.00) with such treasurer, and shall pay to such treasurer, as a territorial realization, the sum of one hundred dollars (\$100.00) as a territorial license fee. The treasurer shall thereupon issue to him an itinerant vendor's license, authorizing him to do business in the territory in conformity with the provisions of this Act for the term of one year from the date thereof. Every license shall contain a copy of the application therefor, shall not be transferable, shall not authorize more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than his own proper person nor give authority to sell goods, wares and merchandise as an itinerant vendor in more than one place at the same time.

SECTION 3. The Territorial treasurer shall keep on file all applications for licenses and a record of all licenses issued thereon. All files and records, both of said treasurer and of the treasurers of the several counties or city and county relative to such applications and licenses shall be in convenient form and open to public inspection.

SECTION 4. Before selling under said Territorial license, in any county or city and county, every itinerant vendor shall exhibit such license to the treasurer of the county or city and county in which he purposed to make sales, and upon payment to the said treasurer of a local license fee, as hereinafter provided, for the use of such county or city and county, said treasurer shall record the territorial license in full, shall endorse upon it the words "local license fee paid", and shall affix his official signature, together with the date of such endorsement. He shall then issue a local license, authorizing sales within the limits of such county or city and county.

The fee for such license shall be fifty dollars (\$50.00) per day, and such license shall be good only for the number of days for which said license fee of fifty dollars (\$50.00) per day has been

paid, and shall contain on its face a statement of the date of expiration thereof.

SECTION 5. No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, executor's, administrator's, receiver's, wholesale manufacturer's or closing out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form unless he shall, before so doing, state under oath in writing to the Territorial treasurer either in the original application for a Territorial license, or in a supplemental application, subsequently filed, and copied on the license, all the facts relating to the reasons and character of such special sale so advertised or represented, including a statement of the names of the persons from whom the goods, wares and merchandise were obtained, the date of delivery to the person applying for the license, and the place from which said goods, wares and merchandise were last taken and all details necessary to locate exactly and identify fully the goods, wares and merchandise to be sold. Any false statement in an application, either original or supplementary, for a license any any failure on the part of the licensee to comply with all the requirements of this section shall subject said itinerant vendor to a fine of not more than five hundred dollars (\$500.00) or imprisonment of not more than sixty days or both.

SECTION 6. All territorial licenses issued under this Act shall expire by limitation one year from the date thereof, and may be, if so desired, surrendered at any time prior thereto for cancellation, and no local license shall continue for a longer time than the unexpired period of the territorial license under which it is issued. Upon the expiration and return or surrender of each territorial license, the territorial treasurer shall cancel the same, endorse the date of delivery and cancellation thereon and place the same on file. In case of a surrender or cancellation thereof prior to the expiration date thereof, the territorial treasurer shall, in writing, notify each county or city and county treasurer of such surrender or cancellation. The territorial treasurer shall then hold the special deposit of such licensee hereinbefore mentioned for the period of sixty days, and after satisfying any and all claims made upon the same under this section, shall return said deposit or such portion of the same, if any, as may remain in his hands to the licensee depositing it. Each deposit made with the territorial treasurer shall be subject so long as it remains in his hands to attachments or garnishment and execution in behalf of creditors whose claims arise in connection with business done in this Territory, and he shall pay over, under order of court, or

upon execution, such sum of money as he may be chargeable with upon his disclosure or otherwise. Said deposit, or any part thereof, shall not be paid over by said treasurer on garnishee process or otherwise, until the expiration of the term of sixty days specified in this section. Said deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through the violation of any of the provisions of this Act, and the clerk of the court in which, or the district magistrate by whom such fine or penalty is imposed shall thereupon give notice of the name of the licensee upon whom such fine or penalty is imposed and of the amount thereof to the territorial treasurer, who, if he has in his hands a sufficient amount deposited by such licensee, shall pay the amount so specified to said clerk or district magistrate, and, if the treasurer shall not have a sufficient amount so deposited, he shall make payments as aforesaid of so much as he has in his hands. All judgments, fines or penalties shall be paid in the order in which notice of a claim is received by the territorial treasurer until all such claims are satisfied, or the deposit is exhausted; but no notices filed after the expiration of the sixty days limit aforesaid, shall be valid. No payment of any part of said deposit shall be made to a licensee unless so much thereof is retained as is required to discharge all claims due of which notice has been received and which remain due and unpaid.

SECTION 7. Whenever any territorial license issued under the provisions of this Act has been lost or destroyed so that such license cannot, after the expiration of the term thereof, be exhibited, or surrendered under the provisions of Section 6 of this Act, the licensee therein, subject to such regulations as the treasurer shall prescribe, may file his affidavit with the treasurer describing such license with sufficient particularity to identify the same and the claimant thereunder, and showing such loss or destruction, and the treasurer upon such proof of loss and identity as shall be satisfactory to him, may accept such affidavit in lieu of the return or surrender of such license, and such licensee shall in such case have the same right to the return of the special deposit made by him as though he had returned or surrendered his license.

SECTION 8. In case any person prosecuted for doing business in violation of any of the provisions of this Act, shall claim or testify upon his trial that he has commenced such business with a bona fide intent to permanently conduct the same in the place where he has commenced the same, the court before which said action is being prosecuted may, in its discretion, continue such action from time to time not exceeding in the whole one year, taking a sufficient bond from the accused in a sum not exceeding one

thousand dollars (\$1,000.00) conditioned for the appearance of the accused at the trial of such action so continued, and, at the continued trial of said action, evidence may be introduced of act, fact, admission or circumstance arising since the institution of such action and affecting such claim or testimony of the intent of the accused.

At the trial of any person accused of violating any of the provisions of this Act, or in any case where a demand has been made on any person by the territorial treasurer, or by any county or city and county treasurer for the payment of any sum or sums claimed to be due under this Act from any person, if it shall appear that such person was not for a period of at least six months prior to commencing in this Territory, the business of selling goods, wares or merchandise as specified in Section 1 of this Act, engaged in such business in this Territory, such facts shall constitute *prima facie* evidence that such person is an itinerant vendor within the meaning and intent of this Act.

SECTION 9. Act 194 of the Session Laws of 1921 is hereby repealed.

SECTION 10. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 126

[S. B. No. 82.]

AN ACT MAKING AN APPROPRIATION FOR ACQUIRING SURPLUS
ROAD EQUIPMENT CONSIGNING TO THE USE OF THE TERRITORY
OF HAWAII BY THE INTERIOR DEPARTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand dollars (\$3,000.00) is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of defraying all expenses of handling, crating and shipping charges on surplus road equipment consigned to the use of the Territory of Hawaii by the Interior

Department, from point of shipment to any point in the Hawaiian Islands which the Superintendent of Public Works may designate.

SECTION 2. It shall be the duty of the Superintendent of Public Works to carry out the intent of the provisions of this Act. He may reject any or all of said equipment, if he finds it more profitable so to do.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 127

[S. B. No. 127.]

AN ACT TO PROVIDE FOR THE EXPENSES OF ENTERTAINMENT OF A PARTY OF SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES CONGRESS AND MEMBERS OF THE CABINET OF THE PRESIDENT OF THE UNITED STATES TO VISIT THE TERRITORY OF HAWAII PRIOR TO THE 31ST OF DECEMBER, 1923, AND FOR THE DISBURSEMENT OF MONEY HEREIN APPROPRIATED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Governor of Hawaii is hereby authorized to extend an invitation to a party of members of the United States Senate, members of the House of Representatives and members of the Cabinet of the President of the United States, to visit the Territory of Hawaii during the calendar year of 1923.

SECTION 2. That the sum of ten thousand dollars (\$10,000.00) is hereby appropriated, out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, for the payment of the expenses of entertainment of the members of such party who shall visit the Territory of Hawaii prior to December 31st, 1923.

SECTION 3. The Governor, the Delegate and three members of the Legislature, to be appointed by the Governor, shall constitute

a committee to entertain and/or provide entertainment for the members of such party within the Territory of Hawaii.

SECTION 4. Such committee as formed under the provisions of Section 3 of this Act shall elect a member thereof as chairman.

SECTION 5. The money hereby appropriated shall be expended upon warrants issued by the auditor of the Territory upon vouchers authorized by the committee and signed by the chairman of such committee.

SECTION 6. This Act shall take effect and be in force from and after the date of its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 128

[S. B. No. 142.]

AN ACT APPROPRIATING THE SUM OF THREE HUNDRED TWENTY-FOUR DOLLARS AND NINETY-SIX CENTS (\$324.96) FOR THE RELIEF OF WAIMANALO SUGAR COMPANY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three hundred twenty-four dollars and ninety-six cent's (\$324.96) is hereby appropriated from the general revenues of the Territory for the repayment in full to Waimanalo Sugar Company of rentals collected by the Territory on a portion of the land of Waimanalo, Oahu, included in the Waimanalo Military Reservation.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 129

[H. B. No. 329.]

AN ACT TO AMEND CHAPTER 138 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO JURIES AND TRIAL BY JURIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2440 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2440. Special Verdict. Upon the trial by jury of any civil case, except in actions for slander, libel, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, the court may direct the jury to answer any questions of facts stated to them by the court for that purpose, and in such case the jury shall answer such questions, and shall not give any verdict, and upon the finding of the jury on the questions which they answered, the court shall enter the verdict and the verdict so entered shall be as effectual, and shall be open to the same objections and mode of attack (if moved against) as if the same had been the verdict of the jury.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 130

[H. B. No. 119.]

AN ACT TO AMEND SECTION 3650 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE FREE DISTRIBUTION OF THE HAWAIIAN DICTIONARY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The last proviso of Section 3650 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“and further provided, that the board may distribute not more than one hundred (100) copies of the dictionary

free of charge among the courts and executive and existing legislative departments of the Territory for the official use of such courts and departments, the public libraries and high schools in the Territory, and the University of Hawaii."

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 131

[H. B. No. 309.]

AN ACT AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY CERTAIN CLAIMS OF THE AKANA AMELIA RICHARDSON ESTATE, W. H. BEERS, AND MRS. LEE KON, FOR PROPERTY TAXES ILLEGALLY COLLECTED FROM THEM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to pay the sum of fifty and 99/100 dollars (\$50.99) to the Akana Amelia Richardson Estate, the sum of ninety-three and 44/100 dollars (\$93.44) to W. H. Beers, and the sum of eighty-seven and 60/100 dollars (\$87.60) to Mrs. Lee Kon, for property taxes illegally collected from them in the County of Hawaii for the period from April 16, 1920, to and including December 31, 1920, upon the filing by them, with the auditor of the County of Hawaii, of a full and complete release or releases of all claims in connection with said matter.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 132

[H. B. No. 311.]

AN ACT TO AMEND CHAPTER 121 OF THE REVISED LAWS OF HAWAII, 1915, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 2075A, RELATING TO THE SALE OR USE OF OPIUM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 121 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto a new section to be known as Section 2075A to read as follows:

“Section 2075A. Every person who opens or maintains, to be resorted to by any other person, any place where opium or any of its preparations or yenshee is sold or given away, to be smoked at such place; and any person who at such place, sells or gives away any opium or any of its preparations or yenshee, to be there smoked, or otherwise used, except as in Sections 2072 and 2074 provided; and every person found in such place when opium or any of its preparations or yenshee is being smoked, is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not exceeding six months or by both such fine and imprisonment.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 133

[H. B. No. 312.]

AN ACT TO AMEND CHAPTER 181 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 181 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto a new section to be known as Section 3273A and to read as follows:

"Section 3273A. Name. No corporation shall take a name (whether of a person or not) identical with the name of any corporation previously authorized to do business and doing business under the laws of this Territory, nor so nearly similar thereto as to lead to confusion and uncertainty. The articles of association of any proposed corporation having a name in violation of the provisions hereof shall not be recorded by the treasurer.

SECTION 2. Section 3283 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended by adding a proviso at the end thereof, to read as follows:

"and provided further, that no amendment changing the name of a corporation shall become effective until a certified copy thereof has been filed in the office of the registrar of public conveyances of the Territory of Hawaii, and said registrar shall accept such certified copy for recordation when certified to by the treasurer of the Territory of Hawaii, or any one authorized to act in his behalf."

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 134

[H. B. No. 341.]

AN ACT TO AMEND SECTION 49 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 49 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 49. Proclamation. At least forty days before any territorial election, the governor shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the Territory or where such election is to be held.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 135

[H. B. No. 346.]

AN ACT TO AMEND SECTION 63 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 63 of the Revised Laws of Hawaii, 1915, is hereby amended by adding after the phrase “My age is years. I reside at” in line 11 of said section, in the form of affidavit on the application for registration, a new line to be known as line 11A, to read as follows: “My occupation is”.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 136

[H. B. No. 376.]

AN ACT TO AMEND ACT 7 OF THE SPECIAL SESSION LAWS OF 1920, RELATING TO DENTAL HYGIENISTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 7 of the Special Session Laws of 1920, is hereby amended to read as follows:

"Section 1. Who may become dental hygienists. Any person of good moral character, having an education of at least one year in a high school or its equivalent, being eighteen years of age or over, who is a graduate of a training school for dental hygienists approved by the board of dental examiners, or who is a graduate of a training school for nurses of recognized standing and has received at least three months' clinical training in a school for dental hygienists approved by the board of dental examiners, may, upon payment of fifteen dollars (\$15.00) be examined by said board on subjects considered essential by it for a dental hygienist. Such examination may, in the discretion of the board, be conducted by a part of the members of the board at any time. If the applicant, in the opinion of the board, successfully passes said examination, he shall be registered and receive a certificate of ability to practice as a dental hygienist in this Territory. Every registered dental hygienist, before entering practice shall pay the said board two dollars and fifty cents (\$2.50) and secure from it an annual license to practice. Before the first of May in each year, every registered dental hygienist desiring to begin or continue to practice in the Territory of Hawaii, shall pay to the board of dental examiners a license fee of two dollars and fifty cents (\$2.50) and obtain an annual license beginning on the first day of May, and in default of such payment, the board may, upon hearing and after ten days' notice, revoke the registration of the dental hygienist in default, but the payment of such fee on or before the time of hearing with such additional sum not to exceed fifteen dollars (\$15.00) as may be fixed by the said board, shall excuse any default. No person shall practice dental hygiene in the Territory of Hawaii, either gratuitously or for pay, or shall offer or attempt so to practice, or shall advertise or announce himself pub-

licly or privately as prepared or qualified so to practice, without having a license as in this Act provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 137

[H. B. No. 387.]

AN ACT TO AMEND SECTION 579 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO TRESPASSES BY ANIMALS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 579 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 579. Expenses, driving, etc. In all cases when animals are taken up for trespass, the actual expenses reasonably incurred, or a fair allowance for the labor required in catching, driving and conveying such animals to the pound, in cases where such animals are taken to a pound, and of giving notice to the owner of the same shall be added to the forfeits and damages specified in the preceding sections; provided, however, that the charge for such catching or driving and conveying to the pound shall not exceed one dollar and fifty cents (\$1.50) per head."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 138

[H. B. No. 390.]

AN ACT PROVIDING THAT, FOR STATISTICAL AND SIMILAR PURPOSES, THE EXPRESSION "CITY OF HONOLULU" SHALL MEAN THE SAME TERRITORY AS IS KNOWN AS "HONOLULU DISTRICT."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For statistical and similar purposes, to distinguish urban and rural communities, the expression "City of Honolulu" shall mean the same territory as is known as "Honolulu District" as defined in lines 50 and 51 of Chapter 14 of the Revised Laws of Hawaii, 1915.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 139

[H. B. No. 393.]

AN ACT TO AMEND SECTIONS 1, 2 AND 3 OF ACT 120 OF THE SESSION LAWS OF 1921, RELATING TO THE HISTORICAL COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 120 of the Session Laws of 1921 is hereby amended to read as follows:

"Section 1. Number, appointment of commissioners. There is hereby created a commission of three members to be appointed by the governor of the territory, which shall be called 'The Historical Commission', to secure the compilation and publication of a revised history of the Hawaiian people and a school text book of Hawaiian history, and to perform such other duties as are hereinafter set forth; provided, however, that said revised history and school text book shall not be published until after the

same have been approved by either the legislature of the territory or by the trustees of the Hawaiian Historical Society. One member of said commission shall be appointed from the faculty of the University of Hawaii. Such members shall serve without pay, but receive such reasonable traveling and other expenses as may be incurred in the discharge of their duties as members of this commission. Such commission is hereby authorized and directed to secure the compilation from all available sources, and to publish a revised history of the Hawaiian people and a school text book of Hawaiian history. The commission is hereby authorized to employ such competent persons as are necessary for the compilation of the said volumes, and to purchase the necessary documents, records and material for use in the compilation of such volumes. The commission is authorized to make contracts on a royalty basis with publishing firms for the publication of the said revised history and school text book."

SECTION 2. Section 2 of Act 120 of the Session Laws of 1921 is hereby amended to read as follows:

"Section 2. Said commission shall investigate and compile information upon places, structures, monuments and things in the Territory of Hawaii of historical importance and interest, and shall serve as a central advisory body in matters relating to the preservation, marking and restoration of such places and objects of historical importance and interest. The commission is hereby authorized to advise and cooperate with local organizations in the work of preserving, marking and restoring such places and objects, to take independent action where local organizations do not exist, and to make recommendations to the governor and to the legislature in reference to such matters."

SECTION 3. Section 3 of Act 120 of the Session Laws of 1921 is hereby amended to read as follows:

"Section 3. It shall be the duty of said commission to secure and collect the necessary information, documents and pictures relating to Hawaii's part in the great war between the United States and its allies and the central European powers and to compile and publish a history of Hawaii's part in said war."

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 140

[H. B. No. 403.]

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF YOUNG BROTHERS, LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and empowered to pay to Young Brothers, Limited, the sum of five hundred dollars (\$500.00) for services rendered by said Young Brothers, Limited, in providing protection against fire in Honolulu harbor during the months of July and August, 1922.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 141

[H. B. No. 423.]

AN ACT TO AMEND SECTIONS 3308 AND 3308A OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3308 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 3308. Procedure. Any corporation wishing to dissolve and disincorporate itself, before the expiration of its charter, may present a petition to the treasurer, together with a certificate setting forth that at a meeting of the stockholders, or members called for that purpose, it was decided, by a vote of three-fourths of the members or stockholders, to dissolve and disincor-

porate the corporation, which certificate shall be signed by the presiding officer and secretary of such meeting. The treasurer shall enter such petition and certificate of record in his office, and after publication of notice in some newspaper published in the territory in English or Hawaiian or both as he shall deem most effectual, the said notice to be published at least once in each of three successive weeks, shall proceed to consider the same, and when satisfied that the vote certified has been truly taken, and that all claims against the corporation are discharged, shall declare such corporation dissolved."

SECTION 2. Section 3308A of the Revised Laws of Hawaii, 1915, as enacted by Act 57 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 3308A. Dissolution by treasurer in certain cases. If any corporation shall have failed or neglected for a period of two years to file an annual exhibit as required by law, and the treasurer shall be unable after due investigation to find any director or manager of such corporation in the territory; or if any corporation shall have received a discharge in bankruptcy; or if any corporation shall cease to have any assets and shall fail to function as shown by a certificate under oath of any officer, director or manager of the corporation, the treasurer may, in any such event, annul the articles of association or charter of incorporation of any such corporation and declare the same dissolved, after publishing notice, once in each of eight successive weeks, of his intention to dissolve such corporation. In the event of any such corporation being declared dissolved, any trustee appointed to settle the affairs of the corporation shall pay to the territory out of any funds which may come into his hands as such trustee, a sum equal to the minimum fine which might be imposed under the provisions of Section 3304, which amount shall have priority of right over all other claims."

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 142

[H. B. No. 429.]

AN ACT AMENDING SECTION 1685 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO CITY AND COUNTY ELECTION BALLOTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1685 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1685. Ballots. The city and county clerk shall prepare the ballots to be used at elections for city and county officers, and shall furnish the same to the several boards of inspectors at least two days prior to the election. The ballots at the general election shall be of green paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for senators and representatives. The ballots for supervisors at the primary election shall be of pink paper and the ballots for the other officers shall be of green paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for senators and representatives."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 143

[H. B. No. 433.]

AN ACT AUTHORIZING AND DIRECTING THE COUNTY OF MAUI TO PAY THE CLAIM OF DAVID PIIMANU, FOR PROPERTY TAXES ILLEGALLY COLLECTED FROM HIM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to pay the sum of twenty-two and 40/100 dollars (\$22.40) to David Piimanu, for property taxes

illegally collected from him in the County of Maui, upon the filing by him with the auditor of the County of Maui, of a full and complete release of all claims in connection with said matter.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 144

[H. B. No. 80.]

AN ACT PROVIDING PENSIONS FOR O. B. LARSEN, MRS. J. J. FERN, JULITA NANI ALAPAI, MRS. ROSABELLA KANEPUU, HENRY KAHOINEA HEANU, HALVOR MYHRE, WALTER H. BROMLEY, D. P. KINOLAU, J. U. JOSEPH, GUSTAVE H. GUNTHER, MARTHA KAAIAI BRANCO, SAMUEL K. NAWELO, SAM LILI, ANDREW KALAI, LUI KEALOHA, MRS. HENRY PAIA, S. HOOKANO, ABBIE ZABLAN, JOHN AMASIU, J. K. PEELE AND EDWARD HORE, AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to pay each month, beginning with the month of July, 1923, up to and including the month of June, 1925, to O. B. Larsen, sixty dollars (\$60.00); to Mrs. J. J. Fern, one hundred fifty dollars (\$150.00); to Julita Nani Alapai, sixty dollars (\$60.00); to Mrs. Rosabella Kanepuu, seventy-five dollars (\$75.00); to Henry Kahoinaea Heanu, sixty dollars (\$60.00); to Halvor Myhre, fifty dollars (\$50.00); to Walter H. Bromley, one hundred dollars (\$100.00); to D. P. Kinolau, forty dollars (\$40.00); to J. U. Joseph, forty dollars (\$40.00); to Gustave H. Gunther, one hundred dollars (\$100.00); to Martha Kaaiai Branco, seventy-five dollars (\$75.00); to Samuel K. Nawelo, forty dollars (\$40.00); to Sam Lili, forty dollars (\$40.00); to Andrew Kalai, forty dollars (\$40.00); to Lui Kealoha, forty dollars (\$40.00); to Mrs. Henry Paia, forty dollars (\$40.00); to S. Hookano, sixty dollars (\$60.00); to Abbie Zab-

lan, fifty dollars (\$50.00); to John Amasiu, fifty dollars (\$50.00); to J. K. Paele, fifty dollars (\$50.00); to Edward Hore, fifty dollars (\$50.00); provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 145

[H. B. No. 229.]

AN ACT TO AMEND SUBDIVISION 17 OF SECTION 1654 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 76 OF THE SESSION LAWS OF 1917, RELATING TO POWERS OF THE SUPERVISORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subdivision 17 of Section 1654 of the Revised Laws of Hawaii, 1915, as amended by Act 76 of the Session Laws of 1917, is hereby amended to read as follows:

“17. To provide for the payment of compensation to the interpreters appointed by the district magistrates of the City and County of Honolulu to interpret testimony in cases before such magistrates, or upon inquests and examinations. Such compensation shall not be less than one hundred fifty dollars (\$150.00) per month for each interpreter.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 146

[H. B. No. 293.]

AN ACT TO AMEND SECTION 1184 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 158 OF THE SESSION LAWS OF 1919, CONCERNING THE INVESTMENT OF PORTIONS OF THE TERRITORIAL SINKING FUND, AND TO AUTHORIZE DEPOSITS FROM SUCH FUND IN SAVINGS BANKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1184 of the Revised Laws of Hawaii, 1915, as amended by Act 158 of the Session Laws of 1919, is hereby amended to read as follows:

“Section 1184. Purchase of bonds when. Provided it can be shown to be to the financial advantage of the Territory of Hawaii, the treasurer of the Territory, by and with the consent of the governor, is authorized, whenever there are any funds to the credit of the sinking fund account in excess of the amount needed for the redemption of any bonds then matured, to buy with such funds, in the open market, any of the outstanding bonds of the territory, or any subdivision thereof (provided, however, that this shall apply only to such bonds of any subdivision as are an obligation for which the credit of the subdivision is pledged for the payment of principal and interest) or to invest such funds in bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. The treasurer of the Territory of Hawaii, by and with the consent of the governor, is further authorized and empowered to sell and dispose of such bonds at such times and for such prices as shall be to the financial advantage of the Territory of Hawaii. The expenses of such purchase and sale over and above the purchase price of said bonds shall be a proper charge against this fund. The treasurer of the Territory of Hawaii, by and with the consent of the governor, is further authorized to deposit so much of said fund as may be deemed advisable in the savings department of any bank or in any savings bank doing business in the territory, provided, however, that such banks furnish security for the funds so deposited in accordance with the provisions of Chapter 87, Revised Laws of Hawaii, 1915, except that the rate of interest shall be the usual rate of interest allowed for savings deposits.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 147

[S. B. No. 124.]

AN ACT TO EXEMPT TOBACCO AND PROPERTY USED IN CONNECTION WITH THE TOBACCO INDUSTRY FROM PROPERTY TAXES FOR THE YEARS 1924 AND 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All growing tobacco, and all tobacco stored in the taxation district where grown, and all machinery and buildings used solely in the cultivation, fermentation and/or handling of tobacco in such district shall be exempt from property tax for the years 1924 and 1925.

SECTION 2. This Act shall take effect January 1, 1924.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 148

[H. B. No. 30.]

AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated for the objects hereinafter expressed for the biennial period ending June 30, 1925, out of moneys in the treasury received from the general revenues.

THE GOVERNOR.

Expenses, entertainment	\$ 7,200.00
Incidentals	3,000.00
Governor's secretary in addition to federal salary.	800.00
Expenses	1,500.00
Upkeep and employees, Washington Place	4,800.00

Furniture, Washington Place	6,000.00
Salaries, employees	6,600.00
Expenses, Territorial Commission under Act 86, Session Laws, 1923.....	15,000

SUGAR EXPERT:

Salary, sugar expert	\$ 500.00	12,000.00
Traveling and general expenses		3,000.00
Clerk hire and office expenses		3,000.00

MILITARY DEPARTMENT:

Salary, Adjutant General...	300.00	7,200.00
(Provided, however, that the Adjutant General shall have had at least two years service in the National Guard of Hawaii prior to his appointment).		
Salaries, employees		12,360.00
Athletics		2,000.00
General and regimental expenses		18,000.00
Regimental adjutant (part time)		2,400.00
Armory, Kohala, Hawaii...		3,000.00
Armory, Honomu, Hawaii...		3,000.00
		110,860.00

THE SECRETARY.

Clerks, assistants and stenographers	12,600.00
Expenses	2,500.00
Hawaiian Birth Registration:	
Expenses of	5,000.00
Elections:	
Expenses of	20,000.00
Public Archives:	
Salary, librarian	300.00
Salaries, clerks and assistants	9,720.00
Expenses, copying, translating, printing and binding.	1,000.00
	58,020.00

ATTORNEY GENERAL'S DEPARTMENT.

Salary, attorney general....	550.00	13,200.00
Salary, first deputy attorney general	400.00	9,600.00
Salary, second deputy attorney general	300.00	7,200.00
Salaries, clerks, stenographers and assistants.....		9,720.00
Expenses		15,000.00

High Sheriff and Territorial Prison:

Salary, high sheriff and prison warden	350.00	8,400.00
Salary, deputy high sheriff and prison warden	300.00	7,200.00
Salary, deputy prison warden	225.00	5,400.00
Salaries, prison employees..		82,800.00
Expenses and maintenance of prisoners		98,000.00
		256,520.00

AUDITING DEPARTMENT.

Salary, auditor	475.00	11,400.00
Salary, deputy auditor	400.00	9,600.00
Salary, bookkeeper	375.00	9,000.00
Salaries, clerks		21,000.00
Expenses		6,000.00
		57,000.00

TREASURY DEPARTMENT.

Salary, treasurer	475.00	11,400.00
Salary, registrar public accounts	400.00	9,600.00
Salary, deputy registrar public accounts	300.00	7,200.00
Salary, assistant cashier and bookkeeper	225.00	5,400.00
Salary, deputy bank examiner	450.00	10,800.00
Salary, assistant bank examiner	275.00	6,600.00
Salary, clerk and stenographer, deputy bank examiner	150.00	3,600.00
Salaries, clerks, stenographers and assistants.....		13,200.00
Expenses, treasurer's office.		5,400.00

Expenses, deputy bank examiner and assistants....		5,000.00
Expenses, insurance department		5,000.00
Salary, special assistant fire marshal	250.00	6,000.00
Expenses, official bonds....		8,400.00
Interest, commissions and expenses public debt....		1,550,000.00
Bureau of Taxes:		
Tax books and blanks.....		20,000.00
Taxation maps, salaries and expenses		40,000.00
Expenses, tax appeals.....		6,000.00
First Taxation Division, Oahu:		
Salary, assessor	450.00	10,800.00
Salary, chief deputy assessor	375.00	9,000.00
Salary, chief office deputy assessor	360.00	8,640.00
Salary, deputy assessor and accountant	300.00	7,200.00
Salaries, deputy assessors assessing department:		
One at	300.00	
Two at	250.00	19,200.00
Salary, income tax assessor.	350.00	8,400.00
Salaries, deputies, income tax assessors:		
One at	225.00	
One at	200.00	10,200.00
Salary, clerk income tax assessor	150.00	3,600.00
Salaries, deputy assessors, Honolulu office:		
Four at	225.00	
Four at	200.00	40,800.00
Salaries, clerks, Honolulu office		27,000.00
Salaries, Deputy Assessors:		
Ewa and Waianae.....	250.00	6,000.00
2nd deputy assessor, Ewa and Waianae	150.00	3,600.00
Clerk, Ewa and Waianae...	100.00	2,400.00
Waialua and Wahiawa.....	225.00	5,400.00
2nd deputy assessor, Waialua and Wahiawa.....	125.00	3,000.00

Koolaupoko and Koolauloa.	225.00	5,400.00
2nd deputy assessor, Koolau- poko and Koolauloa.....	125.00	3,000.00
Commissions and expenses..		22,500.00
Pay of additional clerical assistants		5,500.00
Purchase additional equip- ment		7,500.00
Second Taxation Division, Maui:		
Salary, assessor	350.00	8,400.00
Salaries, deputy assessors:		
Wailuku	200.00	4,800.00
Makawao	200.00	4,800.00
Lahaina, Molokai and Lanai	200.00	4,800.00
Hana	160.00	3,840.00
Salaries, clerks:		
Wailuku	165.00	3,960.00
Makawao	100.00	2,400.00
Additional clerks, Maui....		9,600.00
Commissions and expenses.		13,000.00
Third Taxation Division, Hawaii:		
Salary, assessor	375.00	9,000.00
Salaries, deputy assessors:		
South Hilo	250.00	6,000.00
North Hilo	150.00	3,600.00
Puna	200.00	4,800.00
Kau	175.00	4,200.00
South Kona	175.00	4,200.00
North Kona	175.00	4,200.00
South Kohala	150.00	3,600.00
North Kohala	225.00	5,400.00
Hamakua	225.00	5,400.00
Salaries, clerks, South Hilo:		
One at	200.00	4,800.00
Two at	\$100.00	200.00
Salary, janitor, South Hilo.	25.00	600.00
Commissions and expenses.		16,000.00
Salaries, additional clerks, Hawaii		16,000.00
Fourth Taxation Division, Kauai:		
Salary, assessor	325.00	7,800.00
Salary, clerk	125.00	3,000.00

Salaries, deputy assessors:

Waimea and Niihau...	175.00	4,200.00
Koloa	175.00	4,200.00
Lihue	175.00	4,200.00
Kawaihau	175.00	4,200.00
Hanalei	150.00	3,600.00

Salary, clerk, Waimea and

Niihau	75.00	1,800.00
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Commissions and expenses.

The amount for additional clerical assistants in the four taxation divisions above shall not be used to increase any salary specifically set.

Bureau of Conveyances:

Salary, registrar	300.00	7,200.00
Salary, deputy registrar . . .	225.00	5,400.00
Salary, chief indexer	225.00	5,400.00
Salary, expert indexer.....	175.00	4,200.00

Salaries, clerks and stenographers:

Three at	\$175.00	525.00	12,600.00
Five at	150.00	750.00	18,000.00
Three at	140.00	420.00	10,080.00
Four at	100.00	400.00	9,600.00
One at	90.00	90.00	2,160.00
Salary, clerk land court....	125.00		3,000.00
Expenses			7,000.00
			2,195,380.00

PUBLIC WORKS DEPARTMENT.

Salary, superintendent of...	550.00	13,200.00
Salary, assistant engineer...	300.00	7,200.00
Salary, chief clerk	275.00	6,600.00
Salary, keeper, mausoleum..	100.00	2,400.00
Salary, keeper, powder magazine, Honolulu	100.00	2,400.00
Salary, keeper, powder magazine, Hilo	75.00	1,800.00
Salary, caretaker, territorial property, Maui	50.00	1,200.00
Salaries, clerks, stenographers, engineers and assistants		9,600.00

Salaries, care capitol and judiciary buildings and grounds	33,840.00
Expenses	6,500.00
Water rates, territorial property	7,000.00
Telephone exchange	6,000.00
Maintenance, additions, government property	66,500.00
Oahu	\$60,000.00
Hawaii (including armory)..	6,000.00
Maui	500.00
Furnishing capitol, judiciary, archives and Kapuaiwa buildings	5,000.00
Repairs, supreme court room and library	10,000.00
Sidewalks, territorial lots...	500.00
Patriotic emblems, public territorial buildings	500.00
Recasing well and equipment for furnishing water, capitol grounds	1,500.00
	181,740.00

BOARD OF HARBOR COMMISSIONERS.

Salary, chief clerk	300.00	7,200.00
Salary, stenographer	165.00	3,960.00
Salary, assistant clerk ...	140.00	3,360.00
Salary, harbor master	300.00	7,200.00
Salary, assistant harbor master	200.00	4,800.00
Salaries, pilots and employees		77,400.00
Expenses, harbor commission		6,000.00
Expenses, harbormaster, Honolulu		1,000.00
Expenses, fire boat, Honolulu		6,000.00
Expenses, pilots, Honolulu..		12,000.00
Expenses, pilot, Hilo.....		2,000.00
Expenses, pilot, Kahului...		3,000.00
Maintenance, landings and wharves, Hawaii		50,000.00
Maintenance, additions, landings, wharves and oil pipe line, Oahu		120,000.00

Maintenance, landings and wharves, Maui, Molokai and Lanai	15,000.00
Maintenance, landings and wharves, Kauai	5,000.00
Lease marine railway.....	1,000.00
Dredging Honolulu harbor.	50,000.00
	374,920.00

PUBLIC LANDS DEPARTMENT.

Salary, commissioner of....	475.00	11,400.00
Salary, chief clerk and sub- agent 5th land district....	325.00	7,800.00
Salary, sub-agent, Hawaii...	225.00	5,400.00
Salary, sub-agent, Maui....	225.00	5,400.00
Salary, sub-agent, Kauai....	225.00	5,400.00
Salaries, clerks and assistants		40,440.00
Expenses		21,000.00
Division of Hydrography:		
Salary, chief hydrographer.	275.00	6,600.00
Salaries, engineers, assist- ants and expenses.....		26,760.00
General water investigation including artesian and new construction:		
In cooperation with U. S. Geological Survey		9,000.00
Continuation Topographic Survey:		
In cooperation with U. S. Geological Survey		40,000.00
Expenses, land board		1,000.00
		180,200.00

SURVEY DEPARTMENT.

Salary, surveyor	400.00	9,600.00
Salaries, employees		70,000.00
General expenses, field par- ties and office work.....		30,000.00

BOARD OF AGRICULTURE AND FORESTRY.

Board of administration:		
Salary, executive officer and superintendent of forestry	450.00	10,800.00
Salaries and wages, em- ployees		13,800.00
Expenses		4,630.00

Division of Forestry:

Salary, asst. superintendent..	250.00	6,000.00
Salary, forest nurseryman..	225.00	5,400.00
Salaries, rangers and nursery agents		20,040.00
Wages of laborers.....		36,120.00
Expenses		17,000.00

Division of Entomology:

Salaries, entomologists and assistants		12,960.00
Expenses		3,250.00
Introducing, colonizing and distributing beneficial insects and birds.....		5,000.00

Division of Plant Inspection:

Salaries, plant and dock inspectors and other employees		31,080.00
Expenses		3,000.00

Division of Animal Industry:

Salary, chief of division....	450.00	10,800.00
Salary, assistant chief of division	250.00	6,000.00
Salary, livestock inspector..	175.00	4,200.00
Salaries, veterinary inspectors		18,000.00
Salaries, caretakers, quarantine stations		4,440.00
Expenses		8,850.00
New quarantine station.....		20,000.00
Eradication of goats.....		10,000.00
		251,370.00

BOARD OF HEALTH.

Salary, president	500.00	12,000.00
Salary, public health officer.	350.00	8,400.00
Salary, secretary	275.00	6,600.00
Salaries, office employees...		22,200.00
Expenses, office		10,200.00
Expenses, board of medical examiners		200.00
Revision public health laws and sanitary code.....		1,200.00
Bureau of Vital Statistics:		
Salary, registrar general....	225.00	5,400.00

Salaries, deputies and clerks		9,000.00
Salary, registrar, Honolulu.	150.00	3,600.00
Expenses, office registrar general		7,000.00
Expenses, office, registrar, Honolulu		600.00
Printing, vital statistics, 1921-1923		1,600.00
Purchase of equipment.....		700.00
Bureau of Sanitary Engineering:		
Salary, sanitary engineer...	400.00	9,600.00
Salary, draftsman	150.00	3,600.00
Expenses		2,400.00
Sanitation:		
Salary, chief sanitary inspector, Oahu	250.00	6,000.00
Salaries, clerks, sanitary and mosquito inspectors, Oahu		66,720.00
Salary, chief sanitary inspector, Hawaii	375.00	9,000.00
Salaries, sanitary inspectors and clerks, Hawaii		34,800.00
Salary, chief sanitary inspector, Maui	225.00	5,400.00
Salary, chief sanitary inspector, Kauai	225.00	5,400.00
Sanitary expenses, territory		21,600.00
Salaries and expenses, plague campaign		60,000.00
Expenses, mosquito campaign		5,400.00
Pure Food and Drug Bureau:		
Salaries		18,300.00
Expenses and assistants....		4,200.00
Bacteriological Bureau:		
Salary, bacteriologist and pathologist	250.00	6,000.00
Expenses and assistants....		3,000.00
Government Physicians:		
Salaries		58,800.00
Hawaii	\$27,240.00	
Maui	13,800.00	
Kauai	8,160.00	
Oahu	9,600.00	
(Provided, however, that no salary shall be allowed or paid unless physi-		

cians employed or appointed in the several districts shall treat the indigent sick free of charge in such district or districts as the case may be.)		
Medical supplies for schools		5,000.00
Quarantine and Medical Service:		
Salaries	22,200.00	
Expenses	31,200.00	
Quarantine Stations:		
Repairs, maintenance, equipment and salaries, Honolulu	17,500.00	
Repairs, maintenance, equipment and salaries, Hilo...		
Care of lepers and their children:		
Kalaupapa:		
Salary, superintendent	475.00	11,400.00
Salary, physician	450.00	10,800.00
Salary, dentist, (not pro rated)		8,100.00
Eye treatment (not pro rated)		2,500.00
Salaries, assistants and attendants, Bishop Home and Baldwin Home.....		9,000.00
Salaries, sheriff and police..		4,800.00
Allowance, patients		37,050.00
Allowance, needy blind patients,, extra, \$5 per month		4,800.00
Transfer buildings, Kalawao to Kalaupapa		12,000.00
Construction, roads		3,600.00
Kalihi Hospital:		
Salary, matron	175.00	4,200.00
Salary, officer for lepers....	175.00	4,200.00
New buildings and equipment		19,800.00
Automobile truck		1,000.00
Kalaupapa and Kalihi:		
Wages, nurses, laborers, attendants and mechanic...		112,850.00

Expenses, segregation hospitals and maintenance...	298,000.00
Medical supplies and equipment	26,344.00
Amusements	3,000.00
Incidentals	2,000.00
Kapiolani Girls' Home:	
Salaries	12,840.00
Maintenance	27,500.00
Kalihí Boys' Home:	
Salaries	15,600.00
Maintenance	21,000.00
Repairs, segregation hospital, Hilo	2,000.00
Prevention and cure of tuberculosis:	
Salaries	81,360.00
Expenses, including purchase of automobiles	48,648.00
Purchase and installation of X-Ray machine	3,500.00
Cure and treatment of tubercular patients in sanitariums	288,768.00
Oahu, Leahi Home 126,000.00	
Maui, Kula Sanitarium	60,000.00
Ka u a i, Samuel Mahelona Memorial Hospital..	48,000.00
Hawaii, Puumaile Home	54,768.00
Improvements Puumaile Home	7,200.00
Insane Asylum:	
Salary, superintendent	350.00
Payroll	8,400.00
Maintenance	166,116.00
New buildings for female patients	99,300.00
Amusements	20,000.00
Upkeep and repairs to buildings	600.00
	5,500.00

Compensation to patients for
 labor 600.00
 Dental supplies 600.00

Sanitarium:

Salaries, employees 19,680.00
 Maintenance 15,800.00

Venereal Disease Clinic:

Salaries	10,800.00
Expenses	4,200.00
Insuring and protecting radium	1,000.00
Purchase radium	2,500.00
	1,923,776.00

JUDICIARY.

Salary, chief clerk	350.00	8,400.00
Salary, deputy clerk and stenographer	250.00	6,000.00
Salary, assistant clerk	200.00	4,800.00
Salary, assistant stenog- rapher	150.00	3,600.00
Salary, librarian	150.00	3,600.00
Salary, bailiff	130.00	3,120.00
Salary, copyist	110.00	2,640.00
Salary, assistant copyist....	80.00	1,920.00
Law Books		10,000.00
Expenses		3,500.00
Reports, 2 volumes		6,000.00
Copying records		4,880.00
Expenses, land court.....		10,000.00
Traveling expenses, chief justice		500.00
Purchase additional library equipment		5,000.00
Purchase equipment, clerk's office		2,000.00
Purchase, rectograph and supplies and parts.....		1,215.00

District Court, Kalawao:

Salary, magistrate	50.00	1,200.00
Expenses		25.00
		78,400.00

BOARD OF INDUSTRIAL SCHOOLS.		
Salary, executive secretary..	225.00	5,400.00
Expenses		2,000.00
Boys' Industrial School:		
Salary, superintendent	250.00	6,000.00
Salary, assistant superintendent	200.00	4,800.00
Salaries, instructors and assistants		67,200.00
Maintenance and upkeep...		86,299.00
Livestock, purchase and maintenance		6,000.00
Girls' Industrial School:		
Salary, superintendent	250.00	6,000.00
Salary, assistant superintendent	150.00	3,600.00
Salaries, instructors, assistants, night watchmen, nurses and house mothers...		48,000.00
Maintenance and upkeep...		45,600.00
		280,899.00

INDUSTRIAL ACCIDENT BOARD.		
Oahu, salaries and expenses		33,000.00
Hawaii, salaries and expenses		3,100.00
Maui, salaries and expenses		3,775.00
Kauai, salaries and expenses		1,500.00
		41,375.00

UNIVERSITY OF HAWAII.		
Salaries and payroll, not including health and physical education		220,000.00
Maintenance and expenses..		65,000.00
Salaries and payroll, health and physical education...		9,700.00
New construction		30,000.00
Psychological Clinic:		
Salaries and payroll.....		20,000.00
Expenses		3,000.00
Extension Work:		
Salaries and expenses.....		10,000.00
Waiakea, demonstration farm		10,000.00
		367,700.00

TERRITORIAL FAIR COMMISSION.		
Improvement, upkeep and expenses		12,000.00
		12,000.00

HAWAIIAN HISTORICAL COMMISSION.

Salaries and expenses.....	12,000.00	12,000.00
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PUBLIC LIBRARIES.

Library of Hawaii:

Salaries, librarians and assistants	66,900.00
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Maintenance, expenses and equipment	30,000.00
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Circulating school libraries.....	12,000.00
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Hilo Library:

Salaries :	16,520.00
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Maintenance, expenses and equipment	17,480.00
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Circulating school libraries.....	8,000.00
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Kona Library:

Salaries, maintenance, expenses and equipment...	1,000.00
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Maui County Library:

Salaries	9,600.00
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Maintenance, expenses and equipment	15,000.00
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Circulating school libraries.....	6,000.00
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Kauai Public Library Association:

Salaries, maintenance, expenses and equipment....	20,000.00
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Furniture and fixtures, new library	5,000.00
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Circulating school libraries..	4,000.00
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211,500.00

FISH AND GAME COMMISSION.

Salaries, expenses and equipment	20,000.00	20,000.00
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HOME FOR FEEBLE-MINDED PERSONS.

Salaries	53,520.00
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Maintenance	68,985.00
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New buildings, equipment and furnishings	60,000.00
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182,505.00

PROMOTION.

In support of promotion,
which fund may be expend-
ed in equal monthly contribu-
tions to the organization

known as "Hawaii Tourist Bureau", four of said members to be appointed by the governor for terms of one year each or until a successor is appointed, and one of said members to be selected to represent each of the Islands of Hawaii, Oahu, Maui and Kauai, upon nomination of the boards of county supervisors of the respective islands, acting in conjunction with the principal commercial or civic organization of said islands

100,000.00 100,000.00
7,500.00

Hawaii Publicity Commission
(To be expended in equal monthly instalments.)

PUBLIC UTILITIES COMMISSION.

Salaries and expenses 10,000.00 10,000.00

(This amount to be available only in case there is no balance, or an insufficient balance in the special fund known as "Public Utilities Commission Funds" provided for in Section 2237 of the Revised Laws of Hawaii, 1915.)

SPECIAL CONTINGENT FUND.

From which expenditures may be made only with the approval of the governor and only for use of the Territorial Commission appointed under Act 86, Session Laws of 1923, and in furtherance of such work as may arise in connection with emergency immigration that may be authorized by the United States Congress

50,000.00 50,000.00

CONTINGENT FUND.

From which expenditures may be made only with the approval of the governor and only for urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise, a detailed account of all of which expenditures shall be submitted to the next legislature, provided, however, that no expenditure shall be made out of this fund to increase any salary.....	50,000.00	50,000.00
Grand total.....		\$7,123,265.00

SECTION 2. This Act shall take effect from and after July 1, 1923.

Approved this 2nd day of May, A.D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 149

[S. B. No. 89.]

AN ACT CONCERNING INTEREST ON LOAN FUNDS ALLOTTED TO THE SEVERAL COUNTIES AND TO THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All unexpended balances of Territorial loan funds which have heretofore been allotted to the several counties and to the City and County of Honolulu for local improvements—and also all Territorial loan funds which shall hereafter be so allotted—shall be deposited by the treasurer of the Territory in a depositary bank or banks, as provided by Chapter 87 of the Revised Laws, 1915, in separate accounts. All interest received from any such depositary bank or banks, on account of such separate de-

positors, shall be credited to the several counties and the City and County of Honolulu, as the case may be.

SECTION 2. The treasurer of the Territory, in making up his estimates of the amounts payable in the several counties and in the City and County of Honolulu to the Territory out of the proceeds of the general property taxes, for interest on Territorial bonds allotted for county or city and county purposes—as required under subdivision 6 of Act 177 of the Session Laws of 1919—shall deduct the several amounts of interest collected during the preceding year pursuant to Section 1 of this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 150

[S. B. No. 157.]

AN ACT TO AMEND SECTION 1654 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO MUNICIPAL GOVERNMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1654 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended by adding thereto a new paragraph to be known as "7A".

"7A. To create a city planning commission to be charged with the duty of formulating rules and plans to regulate the future growth, development and beautification of the City and County of Honolulu in its public and private buildings, streets, parks, grounds and vacant lots, and to perform such other duties as the board of supervisors may prescribe; and to recommend the establishment of building zones."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 151

[H. B. No. 327.]

AN ACT TO AMEND SECTION 137 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 20 OF THE SESSION LAWS OF 1915, AND ACT 54 OF THE SESSION LAWS OF 1919, RELATING TO HOLIDAYS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 137 of the Revised Laws of Hawaii, 1915, as amended by Act 20 of the Session Laws of 1915, and by Act 54 of the Session Laws of 1919, is hereby amended by adding thereto the following proviso:

“Provided, however, that when any of such holidays fall on a Sunday, the same may be, by proclamation of the governor, observed upon the following Monday.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 152

[H. B. No. 365.]

AN ACT TO AMEND SECTION 1307 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO INCOME TAXES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1307 of the Revised Laws of Hawaii, 1915, is amended by adding at the end thereof the following proviso:

“provided that when income consists of rent received under a paid-up lease, or of rents or other moneys received as payments in advance for a period of more than one year under leases or other contracts providing for deferred payments or payments in installments over a definite term of years, the taxpayer may ap-

portion the moneys so received to and among such years equally over the period covered by such lease or contract, and only such portion of such income shall be included in each taxation period."

SECTION 2. This Act shall take effect upon its approval:

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 153

[H. B. No. 164.]

AN ACT TO AMEND SECTION 1246 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 222 OF THE SESSION LAWS OF 1917, ACT 24 OF THE SPECIAL SESSION LAWS OF 1920 AND ACT 73 OF THE SESSION LAWS OF 1921, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1246 of the Revised Laws of Hawaii, 1915, as amended by Act 222 of the Session Laws of 1917, Act 24 of the Special Session Laws of 1920 and Act 73 of the Session Laws of 1921, is hereby further amended by adding thereto the following paragraphs:

"All property, both real and personal, belonging to and actually used by Social Service Bureau, including the property held by it in trust for a home for aged and indigent Chinese, shall be exempt from taxation."

"All property, both real and personal, belonging to and actually used by the Susannah Wesley Home in Honolulu shall be exempt from taxation."

"All property, both real and personal, belonging to and actually used by Hawaiian Mission Children's Society, an eleemosynary corporation, including its museum, library and cemetery, shall be exempt from taxation."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 154

[H. B. No. 413.]

**AN ACT AUTHORIZING PROBATE COURTS TO ORDER TEMPORARY
ADMINISTRATORS TO PAY CLAIMS AND FAMILY ALLOWANCES
UNDER CERTAIN CIRCUMSTANCES.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Probate courts are hereby authorized to order temporary administrators where the interest of other creditors would not be adversely affected, to pay lawful claims against the estate and a family allowance in all cases where an appointment of an administrator or an executor is held up by reason of contest.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 155

[H. B. No. 422.]

**AN ACT TO AMEND ACT 208 OF THE SESSION LAWS OF 1919,
RELATING TO THE SURVEYING OF UNSURVEYED AHUPUAAS,
ILIAINAS AND LELES, WITHIN THE TERRITORY OF HAWAII.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 208 of the Session Laws of 1919, is hereby amended to read as follows:

“Section 1. The surveyor of the territory shall, before January 1, 1924, prepare a list of all ahupuaas, iliainas and leles, within the Territory of Hawaii, (including those owned by the government) on which there has been no legal description of survey determined by metes and bounds, either by incorporation of same in land commission award, or patent in confirmation of award, or patent grant, or government deed, or deed of the commissioners of crown lands, or land court survey, or certificate

of boundaries, or by decree of a court of competent jurisdiction of the territory".

SECTION 2. Section 2, 3 and 4 of Act 208 of the Session Laws of 1919, are hereby amended by amending the date "July 1, 1923" wherever it appears in said sections to read "July 1, 1925".

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 156

[H. B. No. 428.]

AN ACT TO AMEND SECTION 2202B OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, CONCERNING THE SALE OR TRANSFER AND THE ACQUISITION OF FIREARMS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2202B of the Revised Laws of Hawaii, 1915, as enacted by Section 1 of Act 124 of the Session Laws of 1919, and as amended by Section 1 of Act 244 of the Session Laws of 1921, is hereby amended to read as follows:

"Section 2202B. Any person dealing in firearms or pistol or revolver ammunition shall not make an individual or retail sale of any such article unless the person desiring to acquire such article shall have first obtained from the sheriff or deputy sheriff of the county or city and county in which he may be at the time a written permit to acquire such article. The person desiring to acquire such article shall deliver said written permit to the dealer, and if the sale or transfer is affected, the said dealer shall make a written statement, in duplicate, of such sale or transfer, setting forth the name, address and nationality of the person acquiring such article and a full and complete description of such article. The person acquiring such article shall personally sign such statement, in duplicate. One copy of such statement shall, immediately after the delivery of such article be transmitted to the sheriff or deputy sheriff of such county or city and county, and one copy of such statement shall be retained by the said dealer.

No such article shall be delivered to the person desiring to acquire the same on the day in which the transaction for the sale or transfer thereof is made.

Any person who shall violate any provision of this section and any person who shall acquire any of the articles from the aforesaid dealer without having first obtained the permit aforesaid, or without having personally signed the statement of sale or transfer aforesaid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

Any person furnishing information leading to the conviction of any person violating any provision of this section shall be paid an amount equal to one-half of the fine that may be imposed against the person convicted."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 157

[H. B. No. 430.]

AN ACT REPEALING ACT 215 OF THE SESSION LAWS OF 1919,
MAKING AN APPROPRIATION FOR THE BENEFIT OF JOHN
JARDIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 215 of the Session Laws of 1919, making an appropriation for the benefit of John Jardin, is hereby repealed.

SECTION 2. This Act shall take effect on July 1, 1923.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 158

[S. B. No. 5.]

AN ACT TO CREATE A TERRITORIAL BOARD OF ACCOUNTANCY, AND TO PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE FOR THE EXAMINATION OF AND ISSUANCE OF CERTIFICATES TO QUALIFIED APPLICANTS WITH THE DESIGNATION OF CERTIFIED PUBLIC ACCOUNTANT; AND TO PROVIDE THE PENALTY FOR VIOLATIONS OF THE PROVISIONS THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Within thirty days after the passage of this Act, the Governor of the Territory shall appoint, as the Territorial Board of Accountancy, not less than three nor more than five public accountants of recognized standing, each of whom shall have been actively engaged in practice for not less than three consecutive years immediately preceding date of appointment, each of whom shall possess all other qualifications provided for in Section 9 of this Act. After appointment of the initial board, all appointees shall be certified public accountants.

SECTION 2. For the purpose of this Act, a public accountant is hereby defined as a person skilled in the knowledge and science of accounting, who holds himself out to the public as a practicing accountant for compensation, and who maintains an office for the transaction of business as such, whose time during the regular business hours of the day is devoted to the practice of accounting as a professional public accountant.

SECTION 3. The members of such board shall hold office for three (or five) years or until their successors are appointed and have qualified, except that of the members first appointed under this Act, one shall hold office for one year, one for two years, one for three years (one for four years and one for five years). The term of office for each shall be designated at time of his appointment. Thereafter one member shall be appointed annually for the full term.

SECTION 4. The board shall organize by the election of one of its members as president, one member as secretary and one member as treasurer; provided, however, that the office of secretary and treasurer may be held by one person.

SECTION 5. The board shall keep a complete record of all its proceedings and shall present annually to the governor a detailed statement of the receipts and disbursements of said board during the preceding year, with a statement of its acts and proceedings and such recommendations as said board may deem proper.

SECTION 6. The board shall be authorized:

- (a) to administer oaths to all applicants or persons appearing before the board in respect to investigation, examination or the issue of C. P. A. certificates;
- (b) to conduct investigations and examinations and issue certificates to properly qualified applicants;
- (c) to determine the qualifications of all applicants;
- (d) to establish such rules and regulations as may be requisite properly to carry out the purposes of this Act and maintain a high standard of integrity, education and proficiency among the holders of C. P. A. certificates.

SECTION 7. Written examinations of applicants shall be held as often as may be necessary in the opinion of the board, and at such times and places as it may designate, but not less than one in each calendar year. If five or more persons apply for examination within not less than four months after the annual examination, the board shall hold an examination for said applicants. Examinations may be both oral and written, at the discretion of the board.

SECTION 8. (a) The written and oral examinations of applicants shall be that prescribed by the American Institute of Accountants in the rules of the board of examiners of that institute, approved June 13, 1922, or, as may be altered from time to time by the council of the said American Institute of Accountants.

(b) The board appointed in Section 1 of this Act shall make the necessary arrangements with the Council of the American Institute of Accountants to grade the answers of the candidates.

(c) The grading of the answers of the candidates shall be submitted to the Territorial Board of Accountancy, appointed according to Section 1 of this Act for approval.

SECTION 9. Any citizen of the United States, or one who in good faith has declared his intention of becoming such citizen (in which case he must become a citizen within two years after

the time allowed by law or the certificate shall be revoked by the board), over the age of twenty-one years, of good moral character, a graduate of a high school of recognized standing with a four year's course, or possessing an education fully equivalent thereto, who has had at least five years' accounting experience, three of which shall have been in public practice on his own account or in the office of a public accountant in active practice, or its equivalent, and has passed a satisfactory examination (unless otherwise exempt from such examination as herein provided), shall receive a certificate of his qualifications to practice as a professional public accountant. No other person and no corporation shall assume or use such title, or the abbreviation C. P. A., or any other words, letters or figures, to indicate that such person is a certified public accountant.

SECTION 10. The board may in its discretion, upon application in writing, waive the examination of and issue a certificate to any person who has the qualifications required by this Act and the rules of the board, provided that such person shall submit to said board such evidence as to said qualifications as may be required by and be satisfactory to the board

(a) who is at the time of filing application, a citizen of this territory and who for not less than three consecutive years next preceding the passage of this Act has been in boni fide practice as a professional public accountant, the last year of which shall have been within this territory; provided, however, that application for such certificate be filed in the manner prescribed by the board, within ninety (90) days from date of organization of the board;

(b) who for not less than three years has had the degree of certified public accountant or chartered accountant, issued by or under the authority of another Territory or State or foreign nation, provided that such certificate was issued with the approval of the State Board of Accountancy or Examiners of the State issuing, and provided further that the standards prescribed by law or the rules of the board and the examinations conducted are, in the opinion of the board, fully equivalent to the standards maintained in this Territory. If for any reason, the certificate of original issue be revoked or cancelled, the board of accountancy of this Territory shall forthwith revoke and cancel the certificate issued to such person in accordance with this section.

SECTION 11. The board shall have the power to revoke any certificate then in force

- (a) if the holder thereof shall have been convicted of a felony;
- (b) shall be found guilty of conduct involving moral turpitude;
- (c) shall certify to false or fraudulent statement or statements;
- (d) for fraud or misrepresentation in application for certificate or in the examination therefor;
- (e) for failure on the part of applicant who at the time of issue of certificate is not a citizen of the United States to qualify in accordance with the provisions of Section 9 of this Act.

No certificate shall be revoked except after a hearing thereon, at which hearing at least a majority of the board shall be present. The Attorney General of the Territory or an attorney designated by him shall attend and act as the legal advisor of the board. Written notice of such proposed hearing shall be mailed to the holder of such certificate at his last known address at least twenty (20) days before the date thereof, stating the basis or cause for such proposed action or revocation, and appointing a time and place for such hearing. At such hearing the board shall have the power to compel the attendance of witnesses, to administer oaths and to examine witnesses under oath. The board shall keep a complete record of all proceedings with respect to the revocation of any certificate.

SECTION 12. (a) The board shall have the right to fix the amounts to be charged applicants.

- (b) Each applicant for examination and certificate shall pay in full to the board such fee at the time of filing his application. In no case shall such fee be returned. If the applicant fails to pass the examination he shall be entitled to take another examination within one year at any time at which there are other applicants to be examined.

SECTION 13. The members of the board to be appointed under the provisions of this Act shall be paid for the time actually expended in the pursuance of the duties imposed upon them by this Act an amount not exceeding five dollars (\$5.00) per diem, and they shall also be entitled to necessary traveling expenses.

SECTION 14. From the fees collected the board shall pay all expenses incident to the examinations to be held under this Act,

the expenses of preparing and issuing certificates, the traveling expenses of examiners and their compensation while performing their duties under this Act, stationery, printing, clerk hire and incidental office expenses, provided that no expense incurred under this Act shall be a charge against the funds of the territory.

SECTION 15. (a) If any person shall illegally hold himself out as having received the certificate of certified public accountant, or shall assume to practice thereunder as a certified public accountant, or use the initials C. P. A. or any other words, letters or figures without having received such certificate, or after the same shall have been revoked, on conviction thereof he shall be deemed guilty of a misdemeanor, and shall be fined not less than \$25.00 nor more than \$200.00 or be imprisoned in the county jail for not less than one day nor more than one year or both, in the discretion of the court, for each day during which he shall so practice or violate any of the provisions of this Act.

(b) Should any person holding the degree of certified public accountant be convicted of gross negligence or of wilfully falsifying a report, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor more than \$1,000.00, or be imprisoned in the county jail for not less than 30 days nor more than one year or both, in the discretion of the court, for each such offense.

SECTION 16. This Act shall take effect from and after its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 159

[S. B. No. 167.]

AN ACT TO AMEND SECTION 4 OF ACT 19 OF THE SESSION LAWS OF 1921, PROVIDING FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4 of Act 19 of the Session Laws of 1921 is hereby amended by adding a new paragraph thereto to read as follows:

"In case any bid for any of the work under any of the said items 23 to 27, both inclusive, and 33 to 38, both inclusive, and item 46, except as to item 34, shall be rejected by the board of supervisors, the respective county or city and county, as the case may be, may proceed with the work under the provisions of Section 1418 of the Revised Laws of 1915, as amended by Act 248 of the Session Laws of 1921; provided, however, that such work shall be performed under the general supervision and inspection of the Superintendent of Public Works of the Territory of Hawaii. The cost of such inspection shall be paid by the county or city and county. The work shall be performed under the same plans and specifications as those upon which bids were called for and rejected, and no changes shall be made, except such as are deemed absolutely necessary by the Superintendent of Public Works. All costs of the work performed under this paragraph in excess of the appropriation made by this Act for the respective items shall be borne by the county or city and county doing the work."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 160

[H. B. No. 177.]

AN ACT AMENDING SECTION 1666 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO MUNICIPAL GOVERNMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1666 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1666. Offices. The city and county officers, with the exception of deputy sheriffs, shall have their offices at the city and county seat, and the mayor, sheriff, city and county clerk, auditor and city and county attorney, shall keep their respective offices open for business on every legal day from 8:30 o'clock a. m. until 4:00 o'clock p. m., except Saturdays when they may close at twelve meridian.

The office hours of the cashier of the treasurer on every legal day shall be from 9:00 o'clock a. m. to 3:30 o'clock p. m. except Saturdays, when the same shall be from 9:00 o'clock a. m. to twelve meridian, and shall be opened for public business on every day from 9:00 o'clock a. m. until 3:30 o'clock p. m., except Saturdays, when the same shall be opened for public business from 9:00 o'clock a. m. until 11:30 o'clock a. m.

The board of supervisors shall also maintain their offices at the city and county seat."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 161

(H. B. No. 282.)

AN ACT TO COMPENSATE THE VOLCANO GARAGE FOR LABOR AND MATERIALS FURNISHED IN REPAIRING TERRITORIAL GOVERNMENT PROPERTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the territory is hereby authorized to issue a warrant drawn on the appropriation entitled "Belt Road, Keamoku, Hawaii", included in Act 224 of the Session Laws of 1919, in favor of the Volcano Garage, of Hilo, Hawaii, in the sum of two thousand four hundred ninety-seven and 54/100 dollars (\$2,497.54) in settlement of the claim of the Volcano Garage for labor and material furnished in repairing government property.

SECTION 2. Such warrant shall be issued only on the presentation of proper vouchers duly certified to by the officer incurring the expense and approved by the Hawaii Loan Fund Commission.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 162

[H. B. No. 284.]

AN ACT DIRECTING THE CITY AND COUNTY AND SEVERAL COUNTIES TO GRANT VACATIONS TO CERTAIN EMPLOYEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The boards of supervisors of the city and county and the several counties of the Territory of Hawaii are hereby empowered and directed to grant employees on per diem basis who have been in the employ of such city and county and counties for at least one year, two weeks' vacation, upon full pay, which shall be the average daily pay received by said employee during the six months previous, and for each year thereafter while such employees remain in the employ of such city and county and counties, the said vacation to be granted to the employees at such time as shall be designated by the various heads of the departments under which such employees are being employed, and the same shall in no case be accumulative.

In order to establish a method of computing the time required under this Act, an employee must be in the employ during said year for at least two hundred and fifty ordinary working days before being entitled to said vacation.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 163

[H. B. No. 287.]

AN ACT TO AMEND SECTIONS 3007 AND 3009 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE SUPPORT OF ILLEGITIMATE CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 3007 and 3009 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

"Section 3007. Issuance of warrant, bond. If, on such examination, there appears probable cause to believe that the woman

is quick with child or that the child, if born, is still under six months of age and that the accused person is the father thereof, the judge shall issue a warrant directed to the high sheriff of the Territory of Hawaii, his deputy, the sheriff of the county or city and county or his deputy, or any police officer within the circuit, requiring the accused to be arrested and brought for preliminary examination before the judge of the juvenile court, who, upon such preliminary examination, may require the accused to enter into bond, with good sureties to the Territory of Hawaii in a sum to be fixed by such judge, for his appearance and trial in the juvenile court, and to perform the judgment of such court, but, if the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child. The judge may from time to time require the accused to furnish a new or additional bond in this connection. If the accused shall fail to give the bond or bonds required of him, the judge shall forthwith commit him to the custody of the sheriff of the county or city and county, there to remain until he shall enter into the required bond or bonds or otherwise be discharged by due process of law. In all prosecutions under this chapter, the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge."

"Section 3009. Bond after judgment. An accused, if he shall be adjudged to be the father of the child, may thereupon be required by the court to enter into bond, with good sureties to the Territory of Hawaii in a sum to be fixed by the judge, conditioned for the payment of the sum or sums adjudged in such installments and in such manner as the court shall direct. Upon the furnishing of such bond, the bond or bonds furnished under Section 3007, if any, shall be deemed to be cancelled. The judge may from time to time require the accused to furnish a new or additional bond in this connection. In case of his failure to enter into such bond or bonds the court shall commit him to the custody of the sheriff of the county or city and county there to remain until he shall give such bond or bonds or pay the total amount of the sums adjudged. If the child shall die before the expiration of the bond or bonds, the person adjudged to be the father of the child and his sureties shall be discharged from such bond or bonds upon the payment of all amounts due before such death."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 164

[H. B. No. 344.]

AN ACT TO AMEND CHAPTER 131 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO CIRCUIT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2277 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2277. When judge may be required to preside in another circuit. Whenever it is advisable, by reason of the disqualification of any circuit judge, or his inability to attend to his duties, or there shall be a vacancy in the office of any circuit judge, or a conjection of work in any circuit court, or for any other reason, the chief justice of the supreme court may require the judge of any other circuit to hear and determine any or all matters, either at term or in chambers, then or thereafter pending in the circuit to which he shall be called for such purpose, and while so engaged he shall have and exercise all the powers vested in a judge of said circuit.”

SECTION 2. Section 2282 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2282. Reports. It shall be the duty of the first judge of the first circuit and of the several judges of the other circuits to report monthly to the chief justice the amount and kind of official business done in their respective circuits during the preceding calendar month showing among other things, the number of persons prosecuted, the crimes and misdemeanors, for which such prosecutions were had, the results thereof and the nationality of the persons convicted, the number, kind and results of civil, equity and other proceedings had, the number and kind of cases filed, and the number and kind of cases pending and such other matters and things as shall be required by the chief justice.”

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A.D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 165

[H. B. No. 363.]

AN ACT RELATING TO THE DISPOSAL OF LAND CONSTITUTING ABANDONED ROADS, STREETS, ALLEYS OR WALKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever a public road, street, alley or walk or any portion thereof shall at any time be vacated, closed, abandoned, or discontinued, the same shall be used for the purposes of the territory; provided, that, in case the same shall be in any way disposed of by the territory, it shall be first offered to the abutters for a reasonable length of time and at a reasonable price, and if they do not take the same, then it may be sold at public auction.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 166

[H. B. No. 382.]

AN ACT TO AMEND SECTION 4159 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PROSTITUTION, ASSIGNATION AND LEWDNESS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4159 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 4159. Places of prostitution, assignation, or lewdness; nuisances; punishment. Any room, house, building, boat, vehicle, structure, or place used or resorted to for the purposes of prostitution, assignation, or lewdness, is hereby declared to be a common nuisance; and any person who keeps or maintains such a common nuisance, or who knowingly lets or permits any room, house, building, boat, vehicle, structure, or place owned,

leased, rented or controlled by him to be kept or maintained as such a common nuisance, or who, as owner or lessor thereof, suffers any room, house, building, boat, vehicle, structure, or place to be kept or maintained as such a common nuisance, after having been notified in writing by the sheriff or any prosecuting officer that such room, house, building, boat, vehicle, structure, or place is kept or used for such purposes, shall be fined not more than one thousand dollars (\$1,000.00) and be imprisoned for not more than one year."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 167

[H. B. No. 399.]

AN ACT PROVIDING FOR THE RECORDATION OF ALL INSTRUMENTS AND CONVEYANCES OF THE GOVERNMENT OF THE UNITED STATES AND THE JUDICIAL, EXECUTIVE AND ADMINISTRATIVE OFFICERS THEREOF, AND DISPENSING WITH FEES THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. In the case of any deed, lease, mortgage, lien, notice, agreement, or other instrument offered for recordation by the government of the United States or any judicial, executive or administrative officer thereof, it shall not be necessary for such officer to have such deed, lease, mortgage, lien, notice, agreement or other instrument, acknowledged before a notary public, and the registrar of conveyances shall accept any such deed, lease, mortgage, lien, notice, agreement or other instrument, for record when the signature of any such officer, together with his official seal is attached thereto.

This Act shall be construed to include the collector of internal revenue for the District of Hawaii and the collector of customs for the District of Hawaii; provided that no fees shall be charged by the registrar of conveyances for the recordation of any such

deed, lease, mortgage, lien, notice, agreement or other instrument offered for record by any such executive, judicial or administrative officer of the government of the United States, including the collector of internal revenue for the District of Hawaii and the collector of customs for the District of Hawaii.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 168

[S. B. No. 97.]

AN ACT RELATING TO THE BOTTLING OF MILK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful for any person to fill milk into any bottle for the purpose of selling the same therein when such bottle bears the name, stamp or trade-mark of another person engaged in the business of selling milk, without the permission or consent of the owner of such bottles.

SECTION 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00).

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 169

[S. B No. 143.]

AN ACT RELATING TO EVIDENCE IN TRIALS INVOLVING TITLE TO LAND IN CERTAIN CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. When upon the trial of any cause in any court of this territory it shall become necessary to show the devolution of the title to land any former owner of which died intestate a decree or order of distribution duly entered by a court having jurisdiction in probate of the estate of any such deceased owner may be received in evidence, and, when so received, shall constitute *prima facie* proof of the descent of such title to the person or persons named as distributee or distributees in such order or decree, provided that such order or decree shall have been so entered not less than ten years prior to the date upon which said cause was commenced.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 170

[H. B. No. 131.]

AN ACT TO AMEND CHAPTER 138 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, BY AMENDING SECTIONS 2411, 2412, 2413 AND 2414 THEREOF, AND BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 2414A, RELATING TO JURIES AND TRIAL BY JURY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 2411, 2412, 2413 and 2414 of the Revised Laws of Hawaii, 1915, as amended, are hereby further amended to read as follows:

“Section 2411. Commission; qualifications and commissioners. The judge or judges of each circuit court shall, prior to the first

day of December of each calendar year, appoint for a period of one year from and after the first day of December, two persons as jury commissioners, who shall be voters of the circuit, well known to be of opposite polities, and of good reputation for intelligence, morality and integrity. The commissioners, together with the judge of each circuit and, in the first circuit, the first judge, shall constitute the jury commission for that circuit. Should a vacancy occur in the office of a jury commissioner at any time, such judge shall appoint a person to fill the vacancy. For the time actually and necessarily employed in the performance of his duties, each jury commissioner shall be allowed by the court or judge five dollars (\$5.00) per day to be paid in the same manner as fees of jurors."

"Section 2412. Duty to make list, etc. The jury commission of each circuit shall, before the fifteenth day of December in each year, or at any subsequent time, if omitted or neglected before such day, make two lists of persons to serve respectively as grand and trial jurors in the circuit court for the ensuing year. It shall proceed to select and list from the citizens, voters and residents of the several precincts in the circuit, as near as may be according to and in proportion with the respective number of registered voters last registered in each of said precincts, the names of one hundred persons who, in its opinion, are qualified to serve as trial jurors, and the names of fifty persons who are qualified to serve as grand jurors under the provisions of this chapter; provided that the number of persons so selected and listed, as aforesaid, shall be one thousand as trial jurors and seventy-five as grand jurors in the first circuit, and one hundred and fifty as trial jurors and fifty as grand jurors in the fourth circuit, and in making such selections and lists as aforesaid, it shall take the names of such only as, in its opinion, possess the qualifications described in Section 2405 of the Revised Laws of Hawaii, 1915, and are not exempt as provided by Section 2407 of said Revised Laws; provided that if thereafter it be judicially determined that the lists contain the names of persons disqualified or exempt from serving, the same shall be stricken from such lists and the jury commission shall select and list additional names to make up the full number required above; provided, that if in any of the circuits the jury commission shall not be able to select the number required by this section for jurors, it shall select the highest number practicable; and provided further that if practicable, it shall not select the name of any person who has served as a juror within one year. Certified lists of the names of the persons so selected from each precinct to serve as jurors shall at once be placed in the possession of the clerk of the circuit court."

"Section 2413. Regular jurors, serve one year. The persons whose names are selected, listed and returned, as aforesaid, by the jury commission, as shown by the certificate thereof filed with the clerk of the court, shall be known as 'regular jurors' and shall serve one year and until other persons are selected, listed and returned as jurors in manner aforesaid."

"Section 2414. Drawing grand and trial jury. The clerk shall file such certified lists at least ten days before the next term of court, write the names contained in such lists on separate pieces of paper of the same size and appearance, fold each piece so as to conceal the names thereon, and deposit the pieces containing the names of persons selected as grand jurors and trial jurors respectively in appropriate boxes to be called the grand jury box and the trial jury box respectively. He shall then in the presence of the judge, after first shaking the grand jury box so as to thoroughly mix the pieces therein contained, draw therefrom by lot the names of not less than thirteen nor more than twenty-three persons to serve as grand jurors, and in the same manner from the trial jury box the names of not less than eighteen nor more than twenty-six persons to serve as trial jurors at the ensuing term; provided, that in the first circuit the first judge may direct that the grand jury be drawn and summoned to appear before any judge designated by him; and provided further that in the first circuit the trial jurors shall be drawn and summoned as prescribed in Section 2414A and not as set forth in this section or in Section 2417. A certificate containing lists of the names of persons thus drawn as grand and trial jurors respectively, and a true statement of all the essential facts of such drawings, signed by the judge and attested by the clerk, shall then be filed; provided, that no drawing of grand jurors or trial jurors need be made for any term, if in the opinion of the judge, it is unnecessary. Such drawings shall be made in public after at least one week's publication of notice of the time and place of the same, in a newspaper of general circulation, printed and published within the circuit within which said drawings shall take place, if there is such a newspaper printed and published in said circuit, otherwise after one week's posting of such notice in at least three conspicuous places in such circuit."

SECTION 2. Chapter 138 of the Revised Laws of Hawaii, 1915, is hereby amended by adding a new section to be known as Section 2414A, to read as follows:

"Section 2414A. Drawing and summoning of trial jurors in the first circuit. Whenever any judge sitting in the first circuit shall require the services of one or more jury panels he shall

cause to be drawn from the trial jury box not less than eighteen and not more than twenty-six names for each jury panel and the persons whose names are thus drawn shall be forthwith summoned by the sheriff, any deputy sheriff, or any police officer of the City and County of Honolulu to appear before said judge at the time and place fixed by him. The said judge may, at any time, direct the drawing and the summoning of additional names in order to bring the total of any jury panel to twenty-six names. Each jury panel may be used for the trial of any one or more pending cases and a jury to try any case shall be chosen in the manner by law now provided. Upon the expiration of thirty days, commencing from the first day a jury panel is required to appear before the said judge, the names of all jurymen of such jury panel, unless sooner directed by the said judge, shall be placed in a box to be known as the inactive trial jury box; provided, however, that if any jury selected from such jury panel is actually sitting in the trial of any case such jury may continue to sit in the trial of such case beyond the said period of thirty days for the sole purpose of concluding such trial, and for such purpose may continue to sit beyond the end of the term. If a jury cannot be chosen for the trial of any case from the number first summoned for any jury panel a special jury panel may be called from time to time by the drawing of such a number of additional names from the trial jury box as the judge shall direct and the persons whose names have been so drawn shall be forthwith summoned to appear as ordered by the said judge. The names of all jurymen summoned for any special jury panel who have not been required to serve on the trial of any case shall be returned to the trial jury box and the names of all jurymen summoned for any special jury panel who have been required to serve on the trial of any case may be returned, after the trial of such case, either to the trial jury box or the inactive trial jury box as directed by the said judge. Whenever all names in the trial jury box have been drawn therefrom then all names in the inactive trial jury box shall be returned to the trial jury box. The judge may summon jurors from among bystanders on the consent of both parties. The judges of the first circuit may, with the approval of the chief justice, make any rules, not inconsistent with law to govern the drawing, summoning and serving of trial jurors. Any trial jury panel not engaged in the trial of a case may, by order of the first judge, be required to appear and serve before him or any other judge of said first circuit."

SECTION 3. This Act shall take effect upon its approval; provided, however, that the provisions of law now in force affecting

the selecting, drawing, and summoning of trial jurors for the 1923 terms of court shall not be affected hereby.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 171

[H. B. No. 139.]

AN ACT TO AMEND SECTIONS 1, 2, 4, 7 AND 8 OF ACT 30 OF THE SPECIAL SESSION LAWS OF 1920, AND ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 9A, RELATING TO FOREIGN LANGUAGE SCHOOL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 30 of the Special Session Laws of 1920, is hereby amended to read as follows:

"Section 1. The term 'foreign language school', as used in this Act shall be construed to mean any school which is conducted in any language other than the English language or Hawaiian language, except Sabbath schools. All subdivisions and activities under the direction, management or supervision of any foreign language school,—whatever language may be used in such subdivisions and/or activities,—shall be subject to the provisions of this Act. The word 'department' shall mean the department of public instruction of the Territory of Hawaii."

SECTION 2. Section 2 of Act 30 of the Special Session Laws of 1920 is hereby amended to read as follows:

"Section 2. No person shall conduct a foreign language school in the Territory of Hawaii without a written permit from the department of public instruction. All permits, licenses, certificates or consents of every kind or nature issued by the department to any foreign language school, or to any person or persons conducting such school,—irrespective of the law or laws under which the same were issued and the time when issued,—shall, on or after May 5, 1923, be of no effect. After September 1, 1923, no permit shall be issued without a fee being paid therefor, the amount of which fee shall be based on the school attendance. The said fee shall be computed on the average attendance of the previous year at the rate of one dollar (\$1.00) per pupil, except as to schools just starting, the fee of which shall be computed at the same rate on the expected average attend-

ance—as estimated by the department—and shall be correctly adjusted to conform to the actual average attendance, by an addition to, or a subtraction from, the fee payable for the following year.

On September 1, 1923, and annually thereafter, all permits, in order to be valid, must be renewed and shall, unless previously forfeited, be renewed by the department on the payment of a fee determined in the same manner as above specified; provided, that the department shall not be required to renew a permit for the conducting of any foreign language school in the conducting of which there has been a violation of the terms or provisions of this Act. All of said fees collected by the said department shall be paid over to the treasurer of the Territory of Hawaii, and the moneys so paid are hereby appropriated to the department of public instruction to be expended in enforcing and carrying out the provisions of this Act. If at any time the funds at the disposal of the department from fees previously collected, or from royalties, commissions or other moneys received in connection with the publication or sale of foreign language school text books, shall make it possible fully and effectively to carry out the provisions of this Act with the permit fees payable by the schools based on a lower rate than one dollar (\$1.00) per pupil, the department is authorized to make such a reduction in that rate as it may deem reasonable and expedient.

Every person conducting a foreign language school shall, not later than June 15 of each year, file with the department on forms prescribed or furnished by it, a sworn list of all pupils in attendance at said school during the current school year, showing the name, sex, parents, or guardians, place of birth and residence of each child; provided, however, that the department may, on cause shown, modify the requirements of this sentence during the year 1923."

SECTION 3. Section 4 of Act 30 of the Special Session Laws of 1920 is hereby amended to read as follows:

"Section 4. No permit to teach in a foreign language school shall be granted unless and until the department is satisfied that the applicant for the same is possessed of the ideals of democracy; knowledge of American history and institutions, and knows how to read, write and speak the English language.

It is hereby declared that the object of this Act is to fully and effectively regulate the conducting of foreign language schools and the teaching of foreign languages, that the Americanism of the pupils may be promoted; and the department is hereby directed to carry this Act into effect in accordance with the spirit of this declaration."

Section 4. Section 7 of Act 30 of the Special Session Laws of 1920 is hereby amended to read as follows:

“Section 7. The department shall have full power from time to time to prescribe, by regulations, the subjects and courses of study of all foreign language schools, and the entrance and attendance prerequisites or qualifications of education, age, school attainment, demonstrated mental capacity, health and otherwise, and the text books to be used in any foreign language school.

Until otherwise provided by the department, the following regulations shall be in effect:

From the present up to September 1, 1923, every pupil shall have first satisfactorily completed the American public school first grade, or a course equivalent thereto, before attending, or being allowed to further attend, any foreign language school.

Beginning September 1, 1923, and thereafter, every pupil shall have first satisfactorily completed the American public school first and second grades, or courses equivalent thereto, before attending or being allowed to further attend, any foreign language school.

Beginning September 1, 1923, and thereafter, for grades one, two and three; and beginning September 1, 1924, and thereafter, for grades four and above; all new text books used in elementary foreign language schools shall be based upon the principle that the pupil's normal medium of expression is English and shall contain, as far as practicable, English equivalents for foreign words and idioms.

The department is hereby authorized to prepare or cause to be prepared or procure or arrange for procuring suitable text books for the teaching of foreign languages in the foreign language schools and to enter into an agreement or agreements for the publishing and sale of the same. All royalties, commissions and money received by or on behalf of the department in connection with the publication or sale of such text books shall be paid over to the treasurer of the territory and are hereby appropriated to the department to be expended for the purposes of this Act. In every foreign language school no subject of study shall be taught, nor course of study followed, nor entrance nor attendance qualification required, nor text books used, other than as prescribed or permitted by the department; provided, however, that the regulations set forth in Section 7 of this Act shall be effective until superseded in part, or in whole, by others made by the department.”

SECTION 5. Section 8 of Act 30 of the Special Session Laws of 1920, is hereby amended to read as follows:

"Section 8. The department shall have power to appoint one or more inspectors of foreign language schools and to pay the salaries and necessary expenses thereof; such inspectors and other duly authorized agents of the department shall have the right freely to visit said foreign language schools and to inspect the buildings, equipment, records and teaching thereof and the text books used therein.

If the department shall at any time become satisfied that any holder of a permit to conduct a foreign language school or to teach therein does not possess the qualifications herein required, or shall have violated or failed to observe any of the provisions of this Act, or of the regulations or orders of the department, the department may then and thereupon revoke the permit theretofore granted and the same shall thereupon be and become null and void."

SECTION 6. Act 30 of the Special Session Laws of 1920 is hereby amended by adding thereto a new section to be known as Section 9A and to read as follows:

"Section 9A. If any section or part of this Act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid."

SECTION 7. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 172

[H. B. No. 160.]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII, TO PAY THE COST OF CONSTRUCTING ROADS IN THE ALAE CEMETERY, DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized to pay out of the general revenues of

the county to the Hilo Cemetery Association, the cost of constructing roads in the Alae Cemetery, District of South Hilo, County of Hawaii, not however, to exceed the total sum of thirteen thousand dollars (\$13,000.00).

SECTION 2. Said appropriation shall be expended on warrants issued by the auditor of the County of Hawaii, upon the filing with the auditor of proper vouchers for expenses heretofore incurred by the Hilo Cemetery Association in the construction of said roads.

SECTION 3. The payment hereinabove authorized shall be made upon the signing of an agreement with the Hilo Cemetery Association to repay to the general fund of the County of Hawaii, the amount expended, whenever such amount can be repaid by said association.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 173

[H. B. No. 180.]

AN ACT MAKING APPROPRIATIONS FOR MACADAMIZING ROADS IN THE WAILUA AND KAPAA HOMESTEADS, DISTRICT OF KAWAI-HAU, COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums of money amounting in the aggregate to forty thousand dollars (\$40,000.00) are hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the macadamizing of the following roads in the Wailua and Kapaa Homesteads, District of Kawaihau, County of Kauai:

Olohena-Puuopae-Puupilo road, including the spur of the Olohena road running up past C. K. Amalu's lot to Waipouli road. \$20,000.00

Hauaola road, beginning at its junction with the Kawaihau road, up to Kealia river at a point near the northwest corner of Lot 184,	
4th series	15,000.00
Hauiki road, from its junction with the Olorena road to its junction with the Waipouli road	5,000.00

SECTION 2. The said sums hereinabove enumerated and hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the macadamizing of said roads, but in no case shall contract for an amount in excess of the sum opposite each item as herein-before contained.

SECTION 3. The amounts hereby appropriated under this Act shall become available and the macadamizing of said roads shall be commenced as soon as the contract or contracts herein provided for shall be executed.

SECTION 4. The amount hereby appropriated shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands upon the Island of Kauai.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 174

[H. B. No. 414.]

AN ACT TO AMEND SECTION 1680 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE ELECTION OF CITY AND COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1680 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1680. Precincts and polling places. The precincts established by the laws of the territory for the election of senators and representatives and the polling places established, from time to time, by the board of supervisors, which polling places shall be set forth in the proclamation provided for in Section 1683 whenever the same is issued, shall constitute the precincts and polling places for the election of city and county officers."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 175

[H. B. No. 415.]

AN ACT TO AMEND SECTION 1533 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE ELECTION OF COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1533 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1533. Precincts and polling places. The precincts established by the laws of the territory for the election of senators and representatives and the polling places established, from time to time, by the board of supervisors, which polling places shall be set forth in the proclamation provided for in Section 1537 whenever the same is issued, shall constitute the precincts and polling places for the election of county officers."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 176

[S. B. No. 14.]

AN ACT TO FIX THE SCHOOL BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1924, AND ENDING DECEMBER 31, 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The school budget referred to in Chapter 25 of the Revised Laws of Hawaii, 1915, shall be as follows for the biennial period beginning January 1924, and ending December 31, 1925:

GENERAL FUND.

Salary of Superintendent	\$11,400.00
Salaries of Office Force.....	41,280.00
(a) Superintendent's Office:	
Deputy	\$ 8,400.00
Stenographer	4,200.00
(b) General Office:	
Secretary	\$ 6,600.00
Assistant Secretary	4,800.00
Clerk	3,600.00
Clerk	3,000.00
Messenger	1,920.00
(c) Supply Office:	
Purchasing Agent	6,000.00
Clerk	2,760.00
General expenses	\$ 34,000.00
Stationery, postage & incidentals..	\$ 17,000.00
Examinations, Territorial Board of Examiners (8th grade foreign language school and regular teachers' examinations) expen- ses and supplies.....	2,000.00
Traveling expenses, commissioners and committee on estimates.....	3,500.00
Traveling expenses, superintendent and deputy	3,500.00
Traveling expenses, supervising principals	6,000.00
Coaching of athletics, McKinley High School	2,000.00
School supplies	155,280.00

Supplies for Elementary Schools..	35,000.00
Supplies for High Schools.....	15,000.00
Flags for Schools	1,500.00
Books, pamphlets and incidentals...	12,000.00
Supplementary reading, elementary grades	15,000.00
Industrial and manual training, in- cluding Hawaiian handicrafts, equipment, supplies, travel and expenses	60,000.00
Bureau of mouth hygiene supplies, equipment, maintenance, supplies and travel	16,780.00
(provided that not more than twenty dental hygienists are to be em- ployed at any one time.)	
Special schools	330,730.00
Territorial Normal and Training School	248,400.00
Salaries	\$204,000.00
Maintenance and Re- pairs	12,000.00
Library, industrial and economic arts	4,400.00
Rural units	500.00
Dormitory	1,500.00
Scholarships	20,000.00
Summer session	6,000.00
Territorial School for Deaf and Blind	82,330.00
Salaries	\$ 41,880.00
Construction, furnish- ings, equipment, im- provement of grounds, maintenance of school, including equipment and upkeep and repair of buildings and grounds, incidentals and traveling expenses	30,700.00
New construction, fur- nishings, equipment, etc.	9,750.00
Total.....	\$572,690.00

SPECIAL FUND.

	County or City and County Hawaii. Maui. Honolulu. Kauai.	Whole Territory.
New buildings, additions and improvements	\$107,350. \$ 80,000. \$337,000. \$ 50,000.	\$ 574,350.
Repairs and maintenance	70,000. 60,000. 81,000. 30,000.	241,000.
Janitors' salaries .. .	21,000.	92,100. 8,000.
Janitors' supplies .. .	14,000.	9,500. 5,000.
Janitors' salaries and supplies	20,000.	169,600.
Furniture — Class rooms and cottage	19,126. 12,000. 53,894. 12,000.	97,020.
Toilets	22,500.	20,000. 42,500.
New grounds, grading and improvements	37,500. 20,000. 40,000.	97,500.
Transportation of pupils	30,000. 15,000. 5,000.	50,000.
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Total.....	\$321,476 \$207,000. \$638,494. \$105,000.	\$1,271,970.

The total sum of \$107,350.00 as set forth above for the County of Hawaii, and \$337,000.00 for the City and County of Honolulu, for new buildings, additions, and improvements, shall be allotted by districts during the biennial period ending December 31, 1925, as follows:

COUNTY OF HAWAII.

City of Hilo	\$ 19,800.00
Rural East Hawaii	51,400.00
West Hawaii	36,150.00 \$ 107,350.00

CITY AND COUNTY OF HONOLULU.

Honolulu District	\$190,800.00
Rural Oahu	146,200.00
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Total.....	\$ 444,350.00

Total of General Fund.....	\$ 572,677
Total of Special Fund.....	1,271,970.00
Grand total.....	\$1,844,660.00

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 177

[S. B. No. 73.]

AN ACT TO AMEND CHAPTER 121 OF THE REVISED LAWS OF HAWAII, 1915, BY ADDING FOUR NEW SECTIONS THERETO TO BE KNOWN AS SECTIONS 1980A, 1980B, 1980C AND 1980D, RELATING TO SALES OF PERSONAL PROPERTY AT AUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 121 of the Revised Laws of Hawaii, 1915, is hereby amended by adding four new sections thereto, to be known as Sections 1980A, 1980B, 1980C and 1980D, and to read as follows:

"Section 1980A. Public auction unlawful when. It shall be unlawful for any person, firm or corporation to sell, offer for sale or expose for sale at public auction, any personal property at any place other than in a public auction room, except household furniture, vehicles, automobiles, machinery, livestock and such bulky articles as have usually been sold in warehouses or places other than auction rooms; provided, however, that the provisions of this section shall not apply to any sale made under the direction of any court or to sales of any personal property belonging to the territory or any county or city and county, or to a bona fide sale of a stock of merchandise where the creditors of the owner thereof are engaged in the legitimate closing out of such stock; nor to hawkers on the street nor peddlers from vehicles, nor to persons selling fruit, fish, vegetables, butter, eggs or other farm or ranch produce; nor to a bona fide sale of a stock of merchandise where the owner thereof is engaged in the legitimate closing out of any such stock and such owner has been engaged

in business at a specified location in the territory for not less than six (6) months immediately preceding the commencement of any such sale, provided further, however, that in the latter case, such owner shall before commencing any such sale, file with the county or city and county treasurer a true and sworn statement containing a detailed list and inventory of such stock, and shall immediately upon the conclusion of such sale, file with said treasurer a true and sworn statement containing a detailed list and inventory of such stock as has been sold at and during said sale. Failure to file either of said statements, or the sale at any such auction of more or different stock or goods than is listed in said statements shall be deemed *prima facie* evidence that such sale was not for the legitimate purpose of closing out such stock. For the purposes of Chapter 121 of the Revised Laws of Hawaii, 1915, a public auction room is hereby defined to be a place designated by a licensed auctioneer in the manner set forth in Section 1980C, as the place for holding auction; and further provided that the treasurer of any county or city and county may give a special permit to any regularly licensed auctioneer to conduct the sale of pictures, paintings, furniture, books and bric-a-brac, or personal property under foreclosure of mortgage at a place other than at such public auction room."

"Section 1980B. Auction at places other than auction room. Mock auctions. It shall be unlawful for any person, firm or corporation, other than a licensed auctioneer to hold, conduct, carry on or maintain any auction room or place for holding public auction sales, or to advertise, or hold himself such to the public as an auctioneer, or to conduct, carry on or maintain any sale of goods by public auction; and it shall be unlawful to maintain, carry on or conduct any mock auction."

"Section 1980C. Designation of place for business. Every licensed auctioneer shall file with the treasurer of the county or city and county in which such auctioneer is licensed, a statement in writing signed by him designating his place for holding auction in such county or city and county. Upon any change in location, he shall immediately file a new designation."

"Section 1980D. Violation, penalty. Any person, firm or corporation violating any of the provisions of Sections 1980A or 1980B shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00), and each day that any of the provisions of said Sections 1980A or 1980B are violated shall constitute and be a separate offense, punishable as in this section provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 178

[S. B. No. 125.]

AN ACT TO PROVIDE FOR THE PARTITION OF REAL ESTATE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Suits for partition. When two or more persons hold or are in possession of real property as joint tenants or as tenants in common, in which one or more of them have an estate in fee, a suit in equity may be brought by any one or more of them in the circuit court of the circuit in which the property is situated, for a partition of said property, according to the respective rights of the parties interested therein, and for a sale of the same or a part thereof if it shall appear that a partition cannot be made without great prejudice to the owner. The circuit judges of the several circuit courts of the Territory, sitting at chambers in equity within their respective jurisdictions, shall have power, in any suit for partition, to proceed according to the usual practice of courts of equity in cases of partition, and according to the provisions of this Act in enlargement thereof. The rights of the several parties, petitioners as well as respondents, may be put in issue and tried and determined in such action as in this Act provided.

SECTION 2. Parties. Every person having any legal estate in the property, in fee or as a tenant for life or for years, or any vested estate in dower or by the courtesy, or having any vested or contingent legal estate or interest in reversion or remainder, as far as known to the petitioner, or any mortgage, on record, upon all or any part of the property, shall be made parties to such action. The petitioner may at his election also join as parties any person or persons having or claiming to have any equitable estate or interest in any part of the property or any lien or incumbrance which attaches to all or any part thereof. Any person having or claiming to have any legal or equitable estate, right or interest in the property or any part thereof, or any lien or incumbrance upon or affecting the property in whole or in part, or any inchoate right of dower or courtesy, not joined as a party in the petition as filed, may become a party by appearing and filing answer in the suit, or otherwise by intervention as the court may allow, and may by appropriate pleading as in this Act provided set forth the estate, right, title or interest claimed in the premises, or lien or incumbrance asserted against the same. All persons interested in any manner or who may claim any interest in the premises whose names are unknown to the petitioner, may be made parties to the action by the name and description of unknown owners

and claimants, and may be designated by fictitious names, and when their true names shall become known the same may be inserted as though correctly stated in the first instance.

SECTION 3. Petition. The petition shall particularly describe the property sought to be ~~partitioned~~^{partitioned} or sold, and shall specifically set forth the title and rights of all parties interested therein and the extent of their respective interests, as far as known to the petitioner. In case any person or persons interested are unknown to the petitioner so that they cannot be named, or if the petitioner does not know the share or quantity of interest of any party, or if any share or interest is uncertain or contingent or dependant upon some executory devise or provision, so that the same cannot be stated by the petitioner, such facts shall be so stated in the petition. The petition shall be verified by the petitioner or by one of them if there be more than one.

SECTION 4. Issues; pleading. Each party shall allege the source or derivation and devolution of his title, right, interest or claim. The answers of the respondents must be verified and must state, among other things, the precise nature and extent of their respective interests or claims. When denials are made the same shall be specific; no answer of general denial shall be allowed. All matters set forth or claimed in any pleading, with respect to the estate, title, right, interest or claim of any party filing the same, which are not inconsistent with any other pleading, shall be taken as admitted by all parties appearing in the action, and proof thereof shall not be necessary unless required by the court. Whenever there is any conflict between the claims of the petitioner and any respondent, or between the claims of any respondents, as disclosed by their respective pleadings, the same shall, without further pleading, be taken as framing an issue, provided that any party may by leave of court file any additional pleading, and the court may on its own motion require any party to further plead with respect to any claim or allegation by any other party. No plea in abatement shall be received in any suit, nor shall any suit abate by reason of the death of any party, but if any suggestion of death of any party shall be made to the court, the court shall upon ascertainment of the identity of the heirs or devisees of such decedent, order them joined as parties.

SECTION 5. Summons, service, publication. The summons shall be directed to all persons named in the petition, and generally to all persons, known or unknown, having or claiming to have any legal or equitable right, title or interest in the premises described in the petition or any part thereof or any lien or other claim with

respect thereto, and may be served as provided by law. All persons having any interest in the premises or any part thereof who shall not have joined in the petition but are known and are therein named as respondents, including the guardians of such of them as are under legal age and/or under any other legal disability (and if any one or more of them shall be under legal age and/or under other legal disability and without a guardian the court shall appoint a guardian ad litem to represent them therein) shall have notice of the action by summons duly served upon them respectively; and all persons having any interest therein whose names are unknown, or who if known do not reside within the territory or cannot for any reason be served with process, shall have notice of the action by publication of the summons in at least one newspaper published in the Territory of Hawaii and having a general circulation in the circuit within which the property is situated, in such manner and for such time as the court may order, but not less than once in each of four successive weeks, the first publication thereof to be not less than six weeks prior to the return day stated therein; and such publication must be accompanied by or include a general statement of the nature of the action and a brief description of the property involved. The court may in its discretion also require additional notice by posting upon the premises. After notice shall have been given as required, the court shall proceed to act in the premises as though all unknown or unserved parties had been duly served with summons and been notified by their proper names.

SECTION 6. *Lis pendens.* Immediately after the filing of the petition the petitioner must file in the office of the Registrar of Conveyances in Honolulu a notice of the pendency of the action, containing the names of the parties as far as known, the object of the action, and a brief description of the property to be affected thereby. From the time of filing of such notice all persons shall be deemed to have notice of the pendency of the action.

SECTION 7. Powers of the court. The court shall have power to hear, investigate and determine any and all questions of conflicting or controverted titles or claims either as to the whole of the property or as to any share or interest therein, either with or without the intervention of a jury, as hereinafter provided; to remove clouds upon the title of the property or any share or interest therein; to invest titles by decrees, without the form or necessity of conveyance by minors or unknown or absent owners; to cause the property to be equitably divided between the parties according to their respective proportionate interests therein, as the parties shall agree, or by the drawing of lots; to set apart any particular portion or portions of land to any particular party or parties who by prior occupation or improvement or otherwise may

be equitably entitled thereto, and make any proper adjustment or equalization thereof by the sale of other portions and the application of the proceeds for such purpose, or as a condition of any such particular allotment to require payment by such parties of any value of the portion so set apart to them in excess of their proportionate interests in the value of the whole property; to divide and allot portions of the premises to some or all of the parties and order a sale of the remainder, or to sell the whole thereof, where for any reason the partition thereof in kind would be impracticable in whole or in part or be greatly prejudicial to the parties interested, and by decree or decrees to invest the purchaser or purchasers with title to any property sold, and use the proceeds to equalize the general partition. When partition of two or more separate tracts or parcels of land is sought, the whole share of any party in all of them may be set apart to him in any one or more of said tracts or parcels.

SECTION 8. Trial of title. Whenever the legal title of any particular share or interest in the property is controverted, the court shall, upon the demand of any party interested therein if such demand shall be made and filed within ten days after the filing of the answer controverting the same, cause a jury to be empanelled in the partition proceeding, in like manner as in cases at law, to specially hear and determine such particular issue, and for such purpose the jury shall be drawn from the regular jury list at the time subject to call in cases at law in the same circuit; otherwise the right of trial thereof by jury shall be deemed to be waived and such issue shall be heard and determined by the court sitting without a jury. Provided, however, that as to any such particular controversy, where no other share or interest in the property is affected thereby, the court may set apart to such disputants collectively such a portion or portions of the property or of the proceeds of sale thereof as they or the real owner or owners among them would be entitled to receive were the ownership of such share or interest not in dispute, and in each such case the portion or portions so set apart shall thereafter alone be the subject of the controversy between such disputants, leaving the remaining interests and parties unaffected thereby, and the court may then proceed with the general partition accordingly; and the dispute, as transferred to the separate portion of the land or share of proceeds allotted therefor in the general partition, shall thereafter be heard and determined and a supplemental decree or decrees entered accordingly.

SECTION 9. Unknown and unserved owners. The court shall in all cases provide for the protection of the interests of all un-

known and unserved owners, in the same manner as far as may be as if they were known and had appeared in the suit. In every case their rights must appear to the satisfaction of the court, but the court may consider them together in the action without considering them separately. The ascertained share of any unknown or unserved owner in any proceeds of sale shall be paid into court for his benefit, subject to disposition according to law. If there shall be any unknown owners of any share or interest, or any owners who cannot be served with process in the action, the court shall have power in making the general partition to allot and set apart for such share such a portion or portions of the property as the owners thereof would respectively be entitled to receive in the partition were they known and duly served with process, and the portion so set apart for such share shall thereafter alone be the subject of ownership by such unknown or unserved owner, and the remaining portions of the property shall be regarded as belonging to the other parties interested therein.

SECTION 10. Allotments for shares under unproved ownership. In any case where the legal title of a claimant to any particular share or interest has not been shown to the satisfaction of the court but the claimant has color of title thereto and such claim is not controverted, the court may in the general partition allot and set apart, for the benefit and account of the legal owner or owners of such share when ascertained, such a portion or portions of the property as the legal owner or owners of such share would be entitled to receive, to be finally disposed of as hereinafter provided; or, similarly, the court may set aside a corresponding portion of the proceeds of any sale thereof, for like disposition thereafter; and in either case the court may then proceed with partition of the remainder as herein otherwise provided.

SECTION 11. Liens and incumbrances. Where partition is made of any property which is subject as a whole to any lien or incumbrance, the court may with the consent of the incumbrancer apportion such incumbrance against the separate portions as partitioned to the parties, or if the property is sold and the incumbrancer's claim be due and may be discharged by payment the court may discharge the same out of the proceeds; otherwise, unless the incumbrancer shall consent to receive payment, the court may without disturbing or then making any adjudication as to such incumbrance, sell, subject to such incumbrance, the property affected thereby; or if any lien or incumbrance is only upon the undivided share or interest of any particular party the court may by its decree make the same a lien and charge only upon the parcel of land partitioned to such party or a charge against his

share of the proceeds of sale thereof; but in every case the property sold shall first be charged with its just proportion of the costs of the partition in preference to such lien or charge. Any party holding a lien or incumbrance and also having other securities, may in the court's discretion be required to exhaust such others before a distribution of the proceeds of sale in partition, or the court may order a just deduction to be made from the amount of the lien on the property on account of such other security.

SECTION 12. Estates for life and years, and contingent estates. If an estate for life or years shall be found to exist as to any part of the property, or if any estate in dower or by courtesy shall exist with respect thereto, such estate shall after partition relate only to the share set apart in partition and corresponding in severalty to the undivided interest theretofore subject thereto; and likewise as to any estate or interest dependent upon any contingency or executory provision. If the property be sold, the proceeds of sale of the share or interest theretofore subject thereto shall be subject to the same estate in lieu of the property sold. If the parties interested in any fund subject to any estate for life or years or any estate in dower or by courtesy shall not agree upon a sum in gross to be paid and accepted as the equivalent thereof, the court shall direct such fund to be invested and the income thereof paid and the corpus eventually transferred to the parties entitled thereto, as they shall respectively be or become entitled. If any such fund shall represent the proceeds of sale of any share theretofore subject to any contingent estate or right therein or to any executory provision, or inchoate right of dower or courtesy, the fund so involved shall be held by the court or suitably placed in trust and invested upon the same terms and conditions as to the vesting or enjoyment thereof as before existed with respect to the share or interest sold.

SECTION 13. Commissioners in partition. The court shall have power in its discretion to appoint a commission or commissioners to act under the directions and subject to the approval of the court, and may invest them with power to investigate and report to the court as to the practicability of partition of the property in whole or in part, and where partition is deemed practicable to prepare a plan for division of the property into lots or parcels, including provision for any necessary roads or rights of way, and making of maps and surveys, and for appraisements, or any other matters referred to them by the court, with their recommendations as to the division or allotment of the parcels among the parties interested; and such commissioners shall have power, as and

when directed by the court, to make deeds of partition or of sale of the property. Before making any sale the commissioners shall each give security approved by the court conditioned for the faithful discharge of their duties. Upon the filing of any report by commissioners in partition the parties may have such time as the court may allow to file any objections thereto or to any part thereof, and if any objections are filed the court shall upon notice hear and determine the same.

SECTION 14. Sales. All sales of any property in partition shall be made at public auction, after publication of notice with a brief description of the property to be sold, in at least one newspaper published in the Territory of Hawaii and having a general circulation in the circuit within which the property is situated, at least once in each of four successive weeks, the first publication to be not less than thirty days prior to the date of sale, and such notice otherwise to be in accordance with the direction or order of the court. All sales shall be subject to the approval of and confirmation by the court, and shall be promptly and fully reported by the commissioners to the court.

SECTION 15. Conveyances and payments in partition; possession and guaranty. The title of every claimant to any share or interest in the property shall be shown to the satisfaction of the court before any conveyance in partition shall be made to such party of the portion or portions of the land allotted to such share or interest, or before payment to him of the corresponding portion of the proceeds of sale thereof, as the case may be. Provided, however, that in any case where the legal title of a claimant to any particular share or interest has not been shown to the satisfaction of the court but the claimant has color of title thereto and such claim is not controverted, and the court has in the general partition made an allotment of a portion or portions of the land, or in case of a sale in partition has allotted a part of the proceeds in respect of such share, for the benefit and account of the legal owner or owners of such share under the provisions of Section 10 of this Act, the court may authorize such claimant to enter into and take possession of the portion or portions of land so allotted on account of such share, or to receive such share of proceeds, upon the claimant first giving security in such form and amount as shall be satisfactory to the court that in the event that any other person or persons shall prosecute any adverse claim thereto in the action within ten years after the filing of the court's order (of which order a certified copy shall be recorded in the office of the Registrar of Conveyances in Honolulu) and prove such adverse claim, the claimant as such possessory holder,

or his heirs or assigns, will surrender the possession of said land to the legal owner or owners thereof and account and make restitution for the rents, issues and profits thereof, or, as to such fund that he or his heirs, executors or administrators will refund and repay the same to the court or to its order with legal interest thereon. In either case, if no claim to the land or fund (as the case may be) shall be made by any other party within the ten years aforesaid, and successfully established, the title and right of said possessory holder shall become absolute as by prescription, subject to any legal suspension or extension of said prescriptive period in favor of any person under any legal disability as in other cases of prescription.

SECTION 16. Default. All parties who shall not have appeared in the action on or before the return day or within such further time as may be allowed by the court shall be deemed to be in default and as consenting to any partition or other disposition of the property as shall be decreed in accordance with the provisions of the act.

SECTION 17. Costs. All costs of the proceedings in partition shall be paid by the petitioner in the first instance, but eventually by all of the parties in proportion to their interests, except such costs which may be occasioned by contests as to particular shares or interests which shall be charged against the particular share or interest involved and be paid as determined by the result of the trial of such particular issue.

SECTION 18. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 179

[S. B. No. 166.]

AN ACT CONCERNING THE TERRITORIAL FAIR AND AMENDING SECTION 2 OF ACT 20 OF THE SESSION LAWS OF 1917, AS AMENDED BY ACT 192 OF THE SESSION LAWS OF 1921.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Act 20 of the Session Laws of 1917, as amended by Act 192 of the Session Laws of 1921, is hereby amended to read as follows:

“Section 2. The governor shall appoint five persons in accordance with the provisions of Section 80 of the Organic Act, two of whom shall be from the City and County of Honolulu, one from the County of Hawaii, one from the County of Maui and one from the County of Kauai, who shall constitute a commission to be known as the Fair Commission of Hawaii. One of the said commissioners shall be appointed as chairman and shall receive a monthly salary of one hundred dollars (\$100.00) which salary shall be paid from appropriations made from time to time by the legislature for the defraying of the expenses incurred in carrying on territorial affairs. The other members of the said commission shall serve without pay. The said commissioners shall hold office for four years unless sooner removed for cause.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 180

[S. B. No. 63.]

AN ACT PROVIDING PENSIONS FOR HENRY HALL, JOHN G. LINCOLN, REMUS HENRY ATKINS, MARY GOMES, JOHN H. MABY, WM. K. NAHALE, WM. K. KAHALEOHU, AND ROBERT MAKAHALUPA, AND AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to pay each month, beginning with the month of July, 1923, up to and including the month of June, 1925, to Henry Hall, seventy-five dollars (\$75.00); to John G. Lincoln, fifty dollars (\$50.00); to Remus Henry Atkins, seventy-five dollars (\$75.00); to Mary Gomes, twenty-five dollars (\$25.00); to John H. Maby, fifty dollars (\$50.00); to Wm. K. Nahale, thirty dollars (\$30.00); to Wm. K. Kahaleohu, forty dollars (\$40.00); and to Robert Makahalupa, forty dollars (\$40.00); provided, however, that no beneficiary under this act shall be permitted to draw the amount specified in the act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 181

[S. B. No. 133.]

AN ACT TO PROVIDE FOR THE CREATION OF A COMMISSION ON PUBLIC ACCOUNTANCY, TO DEFINE ITS POWERS AND DUTIES, AND TO APPROPRIATE TEN THOUSAND DOLLARS (\$10,000.00) FOR EXPENSES OF SUCH COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A commission to be known as the commission on public accountancy, to consist of five members, who shall be appointed by the governor, as provided by the Organic Act, is hereby created. One of said members shall be appointed as chairman of such commission.

SECTION 2. The commission is hereby authorized and directed to plan a uniform system of accounting, a system of recording statistical data, and a system of reporting financial and other statistical data, and on the approval of the governor, to cause such systems to be installed and used in the offices of the Territory of Hawaii; and of the counties of the Territory of Hawaii, and of cities of the Territory of Hawaii, which system, when so installed, shall, for the departments and bureaus of the Territory, be followed by the auditor and the treasurer of the territory under Section 1385 of the Revised Laws of Hawaii, 1915.

SECTION 3. The commission shall begin its duties on the first day of June, 1923, or as soon thereafter as is practicable, and be continued for a period of two years, and shall prepare a full report for filing with the legislature of the Territory of Hawaii on convening in February of 1925, showing the activities, the scope and progress and results of the work of the commission.

SECTION 4. It is hereby declared to be the purpose of this Act to cause the financial and other statistical data of Hawaii to be kept in such form and under such classifications that they will be comparable with like data furnished by other cities and states of the United States now published by the bureau of the census of the United States, so that the cities of Hawaii and the Territory of Hawaii may, in like manner, be included in compilations of the bureau of the census, and also, to insure economy of administration and the usefulness of such data to administrative and legislative officers.

SECTION 5. The commission is hereby authorized to employ such assistants as may be necessary to carry out the provisions of this Act and, with the approval of the Governor, to fix the compensation of such assistants.

SECTION 6. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, for the purpose of paying salaries of assistants, and for necessary traveling and other expenses. All money expended from this appropriation shall be upon warrants issued by the auditor upon vouchers approved by the chairman of the commission.

SECTION 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 8. This Act shall take effect on the first day of June, A. D. 1923.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 182

[S. B. No. 155.]

AN ACT PROVIDING FOR THE PREPARING OR PROCURING OF SUITABLE TEXT BOOKS FOR THE TEACHING OF FOREIGN LANGUAGES IN THE FOREIGN SCHOOLS IN THE TERRITORY OF HAWAII AND FOR SUPERVISING THE TEACHING IN THE SAID SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general fund of the Territory the sum of fifteen thousand dollars (\$15,000.00) for the use of the department of public instruction in having prepared, or procured, suitable text books for the teaching of foreign languages in the foreign language schools in the Territory, and for the purpose of fully and effectively supervising the teaching in the said schools.

SECTION 2. When the fund produced by the fees received by the department of public instruction—upon the issuance by it of permits for the conducting of foreign language schools—shall so warrant, there shall be repaid from that fund into the general fund of the Territory the sum of all amounts drawn under the appropriation herein made and any balance then in the said appropriation shall lapse.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 183

[H. B. No. 100.]

AN ACT MAKING AN APPROPRIATION FOR THE BENEFIT OF MRS. EMMA BARNARD; MRS. MARY STOLZ; MRS. JUAN RIVERRA; FREDERICK K. COCKETT; JOSE MARIA GOMES; JOSE PEREIRA VIVELLA; CAPTAIN JOHN MACAULAY; MRS MATTHEW KANE; MISS SADIE McLAIN; MRS. MOSES ULUNAHELE; THOMAS AIU; CHARLOTTE A. MUMFORD; HENRY E. PETERSON; JOHN K. KELIKAHI; JOHN KAHUALELIO; J. K. KAPUNIAI; ELIJAH SNIFFEN; CHARLOTTE LOWDEN; NICOLENA NORGAARD; CAPTAIN N. C. NEILSEN; LOUISE BAL; JOHN JARDIN; HENRY COCKETT; EBEN CUSHINGHAM; BENJAMIN KA-NE; FERDINAND MOSHER; HERBERT A. SWIFT; T. H. GIBSON; ROBERT HOLBRON; JACK KAHUNAKALA; SAM K. PEDRO; ANDRE SILVA; MANUEL AUGUST; JOHN THOMAS; MRS. ANNIE KANAKANUI; MRS. LANI BURNS; GEORGE PEKA; AUGUSTA H. GREEN; MAUD E. JORDAN; PETER N. KAHOKUOLUNA; PAUL F. SMITH; ALEXANDER GEORGE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii, each month, beginning with the month of July, 1923, and to continue such payments up to and including the month of June, 1925, to Mrs. Emma Barnard, forty dollars (\$40.00); to Mrs. Mary Stolz, forty dollars

(\$40.00); to Mrs. Juan Riverra, thirty dollars (\$30.00); to Frederick K. Cockett, fifty dollars (\$50.00); to Jose Maria Gomes, forty dollars (\$40.00); to Jose Pereira Vivella, thirty dollars (\$30.00); to Captain John Macaulay, one hundred dollars (\$100.00); to Mrs. Matthew Kane, sixty dollars (\$60.00); to Miss Sadie McLain, sixty dollars (\$60.00); to Mrs. Moses Ulumahele, fifty dollars (\$50.00); to Thomas Aiu, fifty dollars (\$50.00); to Charlotte A. Mumford, fifty dollars (\$50.00); to Henry E. Peterson, fifty dollars (\$50.00); to John K. Keliikahi, fifty dollars (\$50.00); to John Kahaulelio, forty dollars (\$40.00); to J. K. Kapuniai, eighty dollars (\$80.00); to Elijah Sniffen, sixty dollars (\$60.00); to Charlotte Lowden, seventy-five dollars (\$75.00); to Nicolena Norgaard, fifty dollars (\$50.00); to Captain N. C. Nielson, seventy dollars (\$70.00); to Louise Bal, fifty dollars (50.00); to John Jardin, forty dollars (\$40.00); to Henry Cockett, fifty dollars (\$50.00); to Eben Cushingham, one hundred twenty dollars (\$120.00); to Benjamin Ka-ne, one hundred dollars (\$100.00); to Ferdinand Mosher, one hundred dollars (\$100.00); to Herbert A. Swift, fifty dollars (\$50.00); to T. H. Gibson, one hundred fifty dollars (\$150.00); to Robert Holbron, fifty dollars (\$50.00); to Jack Kahunakala, fifty dollars (\$50.00); to Sam K. Pedro, forty-five dollars (\$45.00); to Andre Silva, fifty dollars (\$50.00); to Manuel August, fifty dollars (\$50.00); to John Thomas, seventy-five dollars (\$75.00); to Mrs. Annie Kakanui, one hundred dollars (\$100.00); to Mrs. Lani Burns, forty dollars (\$40.00); to George Peka, fifty dollars (\$50.00); to Augusta H. Greene, twenty dollars (\$20.00); to Maud E. Jordan, fifty dollars (\$50.00); to Peter N. Kahokuoluna, forty dollars (\$40.00); to Paul F. Smith, fifty dollars (\$50.00); and to Alexander George, forty dollars (\$40.00); provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position with the Territory of Hawaii or any political sub-division thereof.

Such payments are hereby appropriated out of the moneys received in the treasury from the general revenues.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 184

[H. B. No. 188.]

AN ACT TO AMEND SECTIONS 1793 AND 1793B OF THE REVISED
LAWS OF HAWAII, 1915, RELATING TO THE OPENING AND THE
IMPROVING OF NEW OR EXISTING HIGHWAYS IN THE DISTRICT
OF HONOLULU, CITY AND COUNTY OF HONLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1793 of Chapter 112 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

“Section 1793. Method. Whenever in the opinion of the board of supervisors of the City and County of Honolulu, it is desirable to establish, open, extend, widen or alter any street, alley or other highway, including sidewalks, in the District of Honolulu, except Moanalua, or to grade, pave, curb or macadamize or otherwise improve the whole or any part of any existing public street, alley or other highway or sidewalks in the District of Honolulu, except Moanalua, including the construction of a storm drainage system, or otherwise to improve the same to an extent exceeding maintenance and repair thereof, such betterments or improvements shall be made and done under the provisions of Sections 1793 to 1813 inclusive, of this chapter; and the cost thereof, including the cost of acquiring any new land therefor and the value of any new land therefor which may have been acquired by the City and County of Honolulu prior to the commencement of the proceedings for such betterments or improvements, shall be assessed against the land specially benefitted, either on a frontage basis or according to area of the land within an improvement district or on both an area and frontage basis; and the City and County of Honolulu may issue and sell bonds to provide the funds for such improvements, which bonds shall be secured by such assessments as a lien upon the lands assessed; and for such purpose the board of supervisors is hereby vested with power and is hereby authorized to create, define and establish frontage improvements or improvement districts; all according to the provisions of Sections 1793 to 1813 inclusive, of this chapter.

And provided further, that nothing herein shall prevent the city and county, through its proper officials, from compelling abutting property owners at their own expense to construct, maintain and repair sidewalks and curbs in front of the abutting property under any statute or ordinance now existing or hereafter to be promulgated.”

SECTION 2. Section 1793B of Chapter 112 of the Revised Laws of Hawaii, 1915, as enacted by Act 241 of the Session Laws of 1919, is hereby amended to read as follows:

"Section 1793B. The City and County of Honolulu shall pay out of general revenues, including any permanent improvement fund, and notwithstanding any limitation as to purpose placed on said fund, the entire cost of engineering, incidentals and inspection, shall also pay therefrom in case of frontage improvement the cost assessable against the frontage or frontages of any adjoining or cross street, or, in case of area improvement districts, the cost of paving the area common to both streets at the intersection of any cross street or one-half the area opposite the intersection of any adjoining street, and further shall also pay therefrom 33 1/3 per centum of the total cost of general improvements (excluding engineering, incidentals and inspection and the cost of new curbing and sidewalks), upon all main or general thoroughfares, as hereafter defined, and upon all other streets or highways, except where improvements are initiated under Section 1797. A main or general thoroughfare within the meaning hereof shall be any street or highway as is subjected to more than ordinary traffic and travel by the general public or which serves as a generally necessary connecting thoroughfare between substantially different or naturally separated localities or sections of Honolulu.

And further, the board of supervisors whenever in their judgment, the interest of the city and county will be best served and to protect such city and county from claims for damages from surface waters, may provide for the collection and disposition of storm waters by proceeding independent of an improvement district or frontage improvement or may make such a matter a part of any such proceedings, pay the whole or such part of the cost thereof out of general revenues, including any permanent improvement fund, or if the same is conducted in connection with any improvement district or any frontage improvement may assess any part or the whole thereof as part of the cost of said improvement district or frontage improvement, according to the benefits arising therefrom and in the manner provided for apportioning assessments for general improvements. And it shall be lawful for the City and County of Honolulu to assume and pay out of the general revenues, including any permanent improvement fund, all or any part of the cost of acquiring any new land required for any improvement under the provisions of this chapter."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 185

[H. B. No. 191.]

AN ACT TO PROVIDE FOR TRAINED NUTRITION WORKERS IN THE PUBLIC SCHOOLS OF THE TERRITORY AND MAKING AN APPROPRIATION THEREFOR.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The superintendent of public instruction is hereby authorized to appoint, with the approval of the commissioners of public instruction, two trained and experienced nutrition workers for the purpose of carrying on nutrition work in the public schools of the territory, under such rules and regulations as the commissioners of public instruction shall make from time to time. The salary of such workers shall be not more than one hundred seventy-five dollars (\$175.00) per month each.

SECTION 2. There is hereby appropriated out of the general revenues of the territory the sum of ten thousand eight hundred dollars (\$10,800.00) for salaries, traveling and other expenses of said nutrition workers, to be disbursed on warrants issued by the auditor upon vouchers approved by the superintendent of public instruction, for the period from July 1, 1923, to June 30, 1925.

SECTION 3. This Act shall take effect July 1, 1923.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 186

[H. B. No. 141.]

AN ACT TO AMEND ACT 231 OF THE SESSION LAWS OF 1921,
MAKING AN APPROPRIATION FOR THE SUPPLY OF WATER TO
THE LUALUALEI HOMESTEADS, DISTRICT OF WAIANAE,
ISLAND OF OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 231 of the Session Laws of 1921, is hereby amended to read as follows:

"Section 2. The money hereby appropriated shall be expended by the superintendent of public works, who shall have charge of the installation of such pipes and of the construction of such tanks and reservoirs. Said moneys may be used to acquire a supply of water or to develop water on government lands. And the superintendent of public works may authorize the City and County of Honolulu to develop water and to install such water pipes, tanks or reservoirs or to do whatever work is necessary to secure a supply of water for said homesteads."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 187

[H. B. No. 145.]

AN ACT TO AMEND SECTION 1246 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 222 OF THE SESSION LAWS OF 1917, ACT 24 OF THE SPECIAL SESSION LAWS OF 1920 AND ACT 73 OF THE SESSION LAWS OF 1921, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1246 of the Revised Laws of Hawaii, 1915, as amended by Act 222 of the Session Laws of 1917, Act 24 of

the Special Session Laws of 1920 and Act 73 of the Session Laws of 1921, is hereby further amended by adding thereto the following paragraphs:

"All property, both real and personal, belonging to and actually used by the Board of the Hawaiian Evangelical Association and located at its headquarters, known as the Mission Memorial, on King Street, Honolulu, shall be exempted from taxation, provided, however, that this general exemption shall not apply to any portion of the said property used for income producing purposes, separate and distinct from the general purposes of the association."

"All property belonging to the Third Franciscan Order, situated on Liliha Street, Honolulu, used or to be used for hospital purposes shall be exempted from taxation, provided, however, that the said property shall be used for no other purposes than for hospital purposes, and provided further that this exemption shall expire on December 31, 1924, unless the property be actually used for hospital purposes at that time."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 188

[H. B. No. 193.]

AN ACT TO AMEND SECTION 4199 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO VAGRANTS, DISORDERLY PERSONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4199 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 4199. Defined; punishment. Every person without visible means of living who has the physical ability to work and who does not seek employment, nor labor when employment is offered him; or every beggar who solicits alms repeatedly or causes any child so to do, or every person who roams about from place to place without any lawful business; or, every person known

to be a pickpocket, thief, burglar, or confidence operator, either by his own confession, or by his having been convicted of either such offenses, and having no visible or lawful means of support when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of amusement, billiard parlor, auction room, store, shop or crowded thoroughfare, car or omnibus, or any public gathering or assembly; or every idle, or lewd, or dissolute person, or associate of known thieves, or who is wanton or lascivious in speech or behavior, every person who practices hoopiopio, hoounauna, hoomanamana, anaana or pretends to have the power of praying persons to death or who pretends to tell fortunes for money or other reward; every person who has in his possession without lawful excuse (the proof of which excuse shall be upon such person) any false or skeleton key or any implement of house breaking; or every person who is found by night without lawful excuse (the proof of which excuse shall be upon such person) in or upon any dwelling house or other buildings or any closed yard, or on board any vessel, or every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or every person who lives in and about houses of ill-fame, or any person who offers to or holds himself out as able to or does publicly for a means of livelihood, tell fortunes by the reading of palms or by any other means, or every common prostitute, or every common drunkard, or, every person who is dangerous or disorderly by reason of his being a rioter, disturber of the peace, going offensively armed, uttering menaces or threatening speeches or otherwise, is a vagrant and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or by imprisonment at hard labor for not more than one year, or by both fine and imprisonment within the aforementioned limits in the discretion of the court.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 189

[H. B. No. 238.]

AN ACT TO PROHIBIT UNLAWFUL INTERFERENCE WITH THE RIGHT OF ANY PERSON TO WORK AND TO ENTER UPON AND PURSUE ANY LAWFUL EMPLOYMENT, AND TO PROHIBIT UNLAWFUL INTERFERENCE WITH THE RIGHT OF ANY PERSON, FIRM OF CORPORATION TO ENGAGE IN AND PURSUE ANY LAWFUL BUSINESS OR OCCUPATION, AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Picketing unlawful when. It shall be unlawful for any person or persons, singly or conspiring together, to interfere, or attempt to interfere, with any other person in the exercise of his or her lawful right to work, or right to enter upon or pursue any lawful employment he or she may desire, by doing any of the following acts, to wit, to use profane, insulting, indecent, offensive, annoying, abusive or threatening language toward such person or any member of his or her immediate family, or in his, her or their presence or hearing, for the purpose of inducing or influencing, or attempting to induce or influence, such person to quit his or her employment, or to refrain from seeking or freely entering into employment; or to persist in talking to or communicating in any manner with such person or members of his or her immediate family against his, her or their will, for such purpose; or to follow or intercept such person on his or her way to or from his or her work, to or from his or her home or lodging, or to or from any other place for such purpose, and against the will of such person; or to photograph such person against his or her will; or to menace, threaten, coerce, intimidate or frighten, in any manner, such person, for such purpose; or to commit an assault or assault and battery upon such person, for such purpose, or to loiter about, picket or patrol the place of work or residence of such person, or any street, alley, road, highway, or any other place, where such person may be, or in the vicinity thereof, for such purpose, against the will of such person.

SECTION 2. Congregating about place of business unlawful when. It shall be unlawful for any person or persons, singly or conspiring together to loiter about, beset, patrol, or picket in any manner the place of business or occupation of any person, firm or corporation engaged in any lawful business or occupation, or any street, alley, road, highway or other place, in the vicinity

where such person, firm or corporation may be lawfully engaged, in his, their or its work; business or occupation, for the purpose of inducing or influencing, or attempting to induce or influence others to trade with, buy from, sell to, work for, or have business dealings with such person, firm or corporation, so that thereby the lawful business or occupation of such person, firm or corporation will be obstructed, interfered with, injured, or damaged, and such person, firm or corporation thereby be induced or coerced against his, their or its will, intimidated, or threatened, to do something, he, they or it may legally refrain from doing, or to refrain from doing something, he, they or it may lawfully do.

SECTION 3. Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or both.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 190

[H. B. No. 351.]

AN ACT TO AMEND SECTION 1248 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 226 OF THE SESSION LAWS OF 1915, RELATING TO THE EXEMPTION OF RAILROADS FROM TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1248 of the Revised Laws of Hawaii, 1915, as amended by Act 226 of the Session Laws of 1915, is hereby amended to read as follows:

“Section 1248. Railroads. For the term of fifteen years from and after the first day of January, 1908, all of the property both real and personal, of any person, company or corporation actually and solely used in the workings and operations of a railroad which shall have been constructed within five years from January 1, 1908, and which railroad, such person, company or corporation

shall carry on exclusively in the business of a common carrier shall be exempt from all property taxes both territorial and county; provided such railroad shall be not less than five contiguous miles in length and shall be in good running order and condition and approved by the superintendent of public works; and provided, further, that if such railroad so constructed within said five years from January 1, 1908, shall be not less than twenty-five continuous miles in length and shall be in good running order and condition and approved by said superintendent as aforesaid, such exemption thereof from property taxes shall continue for the term of twenty years from said first day of January, 1908."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 191

[H. B. No. 381.]

AN ACT FOR THE RELIEF OF SILVA COSTA AYRES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the sum of five hundred dollars (\$500.00) is hereby appropriated from the general revenues of the territory as payment to the said Silva Costa Ayres for the purpose of compensating him for the loss of homestead lot 34, Lawai, Kauai, inadvertently and contrary to the policy of the government in that behalf, taken from him.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 192

[H. B. No. 385.]

AN ACT TO AMEND SECTION 2337 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 105 OF THE SESSION LAWS OF 1915 AND FURTHER AMENDED BY ACT 40 OF THE SESSION LAWS OF 1921, RELATING TO CIVIL PROCEDURE IN DISTRICT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2337 of the Revised Laws of Hawaii, 1915, as amended by Act 105 of the Session Laws of 1915, and further amended by Act 40 of the Session Laws of 1921, is hereby further amended to read as follows:

"Section 2337. Original suit. The original suit in all civil actions begun before a district court shall be a summons, a writ of replevin, a capias or an attachment, and shall be signed by the magistrate of such court, or by a duly appointed clerk of such court, and shall contain a notification to the defendant that if he fails to attend at the time and place of trial designated in the writ, judgment will be rendered upon default according to the evidence taken ex parte. All original writs shall be returnable not less than one nor more than six days from date of issue, except in the district court of Honolulu in the City and County of Honolulu, where all original writs shall be returnable on the first Monday following the date of service; and should such Monday be a legal holiday, then upon the next secular day. All such original writs issued out of the district court of Honolulu not served thirty days after the date of issue shall be returned to said district court, and no further extension of time for service be allowed."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 193

[H. B. No. 388.]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS TO TRANSFER A PORTION OF THE APPROPRIATION MADE FOR THE WAIKIKI SEWER SYSTEM FOR THE PURPOSE OF ADDING TO THE SEWER SYSTEM IN THE NUUANU DISTRICT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized to transfer from that portion of the appropriation made by it for the building, constructing, laying and maintaining of the Waikiki Sewer System, not more than the sum of one hundred thousand dollars (\$100,000.00) and to reappropriate the same for the purpose of repairing and extending the sewer system in the Nuuanu District.

SECTION 2. The said board of supervisors is hereby directed (should they make the appropriation authorized in Section 1) to reappropriate from the permanent improvement fund, during the year 1924, such portion of said one hundred thousand dollars (\$100,000.00) transferred as in this Act provided (but not less than fifty thousand dollars), as shall be necessary to pay any amount due under the said contract for the building, constructing, laying and maintaining of said Waikiki Sewer System, and, at the beginning of the year 1925, to appropriate the balance of said one hundred thousand dollars (\$100,000.00) not previously reappropriated, for the purpose of paying any sums due under the said contract.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 194

[H. B. No. 402.]

AN ACT RELATING TO THE EXTENSION, WIDENING AND IMPROVEMENT OF CERTAIN STREETS IN HONOLULU, CITY AND COUNTY OF HONOLULU.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The treasurer of the City and County of Honolulu as directed by the board of supervisors of the City and County of Honolulu, is hereby authorized and empowered to issue, from time to time, bonds of the City and County of Honolulu, with interest coupons attached thereto, to an amount not to exceed seven hundred fifty thousand dollars (\$750,000.00) for the purpose of paying the said city and county's share of extending, widening, paving, or otherwise improving the whole or any portion or portions of West Queen Street from the junction of King and Liliha Streets to Puihoa Road, School Street from Kalihia Street to Middle Street, and King Street from the bridge over Nuuanu Stream to Moanalua-Kahauiki boundary at Fort Shafter, said work to be done, insofar as the board shall deem it practicable so to do, in the order named. The principal and interest of said bonds shall be payable in gold coin of the United Staets of America, or its equivalent, at its present standard of weight and fineness, in the manner, upon the terms and for the purpose of this Act stated, and in addition to the provisions hereof, the issuance thereof shall be governed by the provisions of an Act of Congress approved April 30, 1900, entitled "An Act to provide a government for the Territory of Hawaii", and any amendments thereto in effect at the time said bonds are issued. No bonds shall be issued until after the issuance thereof shall have first been approved by the President of the United States. Such approval on the part of the President of the United States shall be conclusive proof that all requirements of law have been duly complied with and that said bonds are, in all respects, valid and incontestable.

SECTION 2. All bonds issued under the authority of this Act shall be exempt from any and all taxes whatsoever and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the City and County of Honolulu.

SECTION 3. Said bonds shall bear interest, payable semi-annually, at the rate of not more than six per cent per annum, and be

payable or redeemable and payable at not more than ten years from the date of issuance thereof.

SECTION 4. The proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued as expressed herein.

SECTION 5. The treasurer of the City and County of Honolulu may, with the approval of the board of supervisors of the said city and county, determine the denominations of such bonds to be issued under the authority of this Act, the place in which the principal and interest of such bonds or any of them shall be payable and the method of their redemption. The said treasurer may make such arrangements as may be necessary or proper for the sale of the whole or any part of the bonds authorized by this Act. Such arrangements shall provide for the sale of such bonds by the city and county itself, upon a public advertisement for tenders therefor for at least ten days in a newspaper of general circulation, published in Honolulu, but no bond shall be sold at less than two per cent below its nominal par value. Before the sale of such bonds is made, the treasurer shall first secure the approval of such sale by the board of supervisors. The treasurer may, with the approval of the board of supervisors, accept any bid without public advertisement for tenders, provided such bid shall be even with or above the figure of the last sale made in pursuance of public advertisement for tenders.

SECTION 6. All bonds issued under the provisions of this Act shall be lithographed or steel-engraved, and shall be signed by the treasurer and the mayor of the City and County of Honolulu, and shall be sealed with the seal of the said city and county. Interest coupons shall bear lithographed or engraved fac simile of the signature of the treasurer of the said city and county.

SECTION 7. In case of any default in the payment of the principal of any bonds issued under the authority of this Act or of any interest thereon, collection of the same may be enforced in the manner provided by Sections 2190 to 2196 inclusive, of the Revised Laws of Hawaii, 1915.

SECTION 8. The board of supervisors and the treasurer of the City and County of Honolulu are hereby directed to set aside annually from the permanent improvement fund sufficient moneys

to pay the interest upon such bonds and to provide for a sinking fund for the payment of the principal of such bonds.

SECTION 9. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 195

[H. B. No. 417.]

AN ACT TO PROVIDE PROCEDURE FOR THE ASSESSMENT OF INHERITANCE TAXES RESPECTING THE ESTATES OF NON-RESIDENT DECEDENTS, AMENDING CHAPTER 96 OF THE REVISED LAWS OF HAWAII, 1915.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 96 of the Revised Laws of Hawaii, 1915, is hereby amended by the addition of a new section to be known as Section 1333A and to read as follows:

“Section 1333A. Unadministered estates of non-resident decedents.

(1) Whenever the estate of a non-resident decedent is not administered in this territory, it shall be lawful for the circuit court sitting in probate in any circuit within this territory wherein any property, either real or personal, belonging to the estate of such decedent may be situated, to fix and determine the inheritance tax, if any, due the territory, upon application made therefor by the treasurer of the territory, or by any duly accredited representative of said estate either in person or by attorney in fact, or by any person interested as an heir at law of such decedent, or by any corporation of which any shares were owned by such decedent.

(2) If such application shall be accompanied by a statement of all the material facts respecting such estate agreed upon between the applicant and the treasurer of the territory, the application may be heard and determined by the court upon such agreed statement of facts; or if such application shall not be submitted upon such an agreed statement of facts and is made

by any person other than the treasurer of the territory it may be heard after written notice thereof shall have been served upon the treasurer of the territory at least ten days prior to the date of hearing; or if such application is made by the treasurer without an agreed statement of facts it may be heard after notice given to such persons or in such manner as the court shall prescribe. In any case the court in its discretion may require evidence to be taken beyond the matters agreed upon or adduced by the parties concerning any matter or thing which it may deem material to the issue.

(3) The costs of any application under this section shall be assessed by the court and paid out of (or by some person on behalf of) the estate.

(4) Nothing in this section shall be taken as extending to or authorizing any determination of the legal rights of any person in or to the property of such an estate, as owner, creditor or otherwise, nor as authorizing any distribution of the property of any estate.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 196

[H. B. No. 424.]

AN ACT TO AMEND CHAPTER 178 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO LAND REGISTRATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3176 of Chapter 178 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3176. Substitution, one certificate for several, several for one. A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it, with the approval of the court, and receive separate certificates for portions thereof. A registered owner holding separate duplicate certificates for two

or more distinct parcels of land, which are contiguous, or which are so adjacent (although separated by a roadway or stream or other strip of land) as to form one lot of land for practical use, may surrender such certificates, and, with like approval and by a decree of the court, receive a single original and duplicate certificate for the whole, or separate certificates for subdivisions thereof, issued in place of the surrendered certificates; provided, however, that if any person or persons other than the registered owner shall appear to have an interest in any part of the premises proposed to be consolidated, or in any intervening roadway, stream or strip of land as aforesaid, the court shall not entertain such application for consolidation unless such other person or persons shall join with the owner in such application, signing and acknowledging the same in the same manner as provided for original applications, or unless such person or persons if not joining in such application shall have been given notice thereof and an opportunity to be heard as shall be ordered by the court. Any owner proposing to combine two or more parcels of land, or to subdivide any registered land, shall file with the land court an application therefor, together with a map or plan showing the proposed combination or subdivision and accurately delineating thereon all boundaries, streets, passage ways and other easements connected therewith, and the court, before approving the same, and authorizing the issuance of any new certificate or certificates thereon, shall cause the same to be verified by the territorial surveyor and be satisfied that the same are accurately represented."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 197

[S. B. No. 32.]

AN ACT TO CONSTRUCT A HOMESTEAD ROAD THROUGH THE WAIOHULI AND KEOKEA MAUKA HOMESTEAD LOTS, DISTRICT OF MAKAWAO, COUNTY OF MAUI, BY WAY OF AN ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF SALE OF PUBLIC LANDS OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of nine thousand dollars (\$9,000.00) or so much thereof as may be necessary is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, to be expended by way of advancement for the construction and building of roads, Waiohuli and Keokea Mauka homestead lots, District of Makawao, County of Maui.

SECTION 2. The said sum of nine thousand dollars (\$9,000.00) or so much thereof as may be necessary, hereby appropriated, shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands who shall construct said roads, by contract with the County of Maui as is provided by law; and the amount expended hereunder shall be deemed as an advancement out of the general revenues and be reimbursed to the general revenues out of the proceeds of sales of public lands, Maui, when hereafter received.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 198

[S. B. No. 58.]

AN ACT MAKING AN APPROPRIATION OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR THE CONSTRUCTION OF A ROAD THROUGH THE KAAPAHU AND PAAUILO HOMESTEADS, IN THE DISTRICT OF HAMAKUA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road through the Kaapahu and Paauilo homesteads, in the District of Hamakua, County of Hawaii.

SECTION 2. The said sum of twenty thousand dollars (\$20,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said road, but in no case shall contract for an amount in excess of the sum of twenty thousand dollars (\$20,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become available and the construction of said road shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The amount hereby appropriated shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands upon the Island of Hawaii.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 199

[S. B. No. 129.]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTING OF ROADS THROUGH THE KEKAHA HOME LOTS AT KEKAHA, DISTRICT OF WAIMEA, COUNTY OF KAUAI.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the constructing of roads through the Kekaha Home Lots granted under preference rights in the District of Waimea, County of Kauai.

SECTION 2. The said sum of ten thousand dollars (\$10,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands who shall have charge of the constructing of said roads; provided, that the commissioner of public lands shall contract for the constructing of said roads, but shall in no case contract for an amount in excess of the sum of ten thousand dollars (\$10,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become available and the constructing of said roads shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The amount hereby appropriated shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands upon the Island of Kauai.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 200

[S. B. No. 136.]

AN ACT APPROPRIATING BY WAY OF ADVANCEMENT THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THE CONSTRUCTION OF ROADS IN THE NEW WAIAKEA HOUSE LOTS SUBDIVISION, HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifty thousand dollars (\$50,000.00) is hereby appropriated out of any money in the treasury of the Territory, not otherwise appropriated, for the construction of roads in the New Waiakea House Lots Subdivision, lying mauka of Kilauea Avenue, between Piopio School Lot and the Waiakea Homestead House Lots Subdivision, Hilo, Hawaii.

SECTION 2. The amount hereby appropriated shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall have charge of the construction of said roads.

SECTION 3. The said sum of fifty thousand dollars (\$50,000.00) or so much thereof as may be expended, shall be repaid into the general fund of the treasury of the Territory from the proceeds of the sales of lots in the above mentioned tract.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 201

[H. B. No. 198.]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A DRAINAGE SYSTEM FOR THE WAIOSHULI-KEOKEA BEACH LOTS, COUNTY OF MAUI, MAKING AN ADVANCEMENT THEREFOR FROM THE GENERAL REVENUES OF THE TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of six thousand dollars (\$6,000.00) is hereby appropriated to be paid out of any moneys in the treasury

of the Territory of Hawaii, not otherwise appropriated for the drainage of the Waiohuli-Keokea Beach Lots, County of Maui, Territory of Hawaii.

SECTION 2. The said sum of six thousand dollars (\$6,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads.

SECTION 3. The commissioner of public lands shall contract for this work in an amount not to exceed six thousand dollars (\$6,000.00). The amount appropriated herein shall become immediately available on the signing of the contract. The amount appropriated or so much thereof as may be expended shall be repaid into the treasury of the Territory of Hawaii from the proceeds of the sale of public lands in the County of Maui.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 202

[H. B. No. 233.]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT
OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HA-
WAI'I FOR THE CONSTRUCTION OF A ROAD THROURH THE
KALUAPUHI-WAIKALUA HOMESTEADS, KOOAUPOKO, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated, to be paid out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, for the construction and (or) macadamizing of a road from the Kamehameha Highway to and through, so far as funds warrant, Section "C" of the Kaluapuhi-Waikalua homesteads, District of Kooaupoko, City and County of Honolulu.

SECTION 2. The said sum of five thousand dollars (\$5000.00) shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said road; provided, however, that the commissioner of public lands may contract with the board of supervisors of the City and County of Honolulu for the construction of said road, at cost, pursuant to the provisions of Act 6, Special Session Laws of 1918.

SECTION 3. The amount hereby appropriated under this Act shall become available, and the construction of said road shall be commenced as soon as the contract herein provided shall be entered into.

SECTION 4. The said sum of five thousand dollars (\$5000.00) hereby appropriated, or as much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands on the Island of Oahu.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 203

[H. B. No. 260.]

AN ACT MAKING AN APPROPRIATION OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) BY WAY OF ADVANCEMENT FROM THE GENERAL REVENUES OF THE TERRITORY FOR THE CONSTRUCTION OF ROADS IN THE LUALUALEI HOMESTEADS, DISTRICT OF WAIANAE, CITY AND COUNTY OF HONOLULU, THE SAME TO BE REPAYED FROM THE PROCEEDS OF SALES OF PUBLIC LANDS UPON THE ISLAND OF OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to-

wards constructing roads in the Lualualei Homesteads, District of Waianae, City and County of Honolulu.

SECTION 2. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said roads, but in no case shall contract for an amount in excess of the sum of fifteen thousand dollars (\$15,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become available and the construction of said road shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The amount hereby appropriated shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands upon the Island of Oahu.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 204

[H. B. No. 383.]

AN ACT TO REIMBURSE J. B. AGASSIZ FOR LOSSES SUSTAINED IN CARRYING OUT THE TERMS OF A CONTRACT ENTERED INTO WITH THE BOARD OF HARBOR COMMISSIONERS OF THE TERRITORY OF HAWAII FOR THE CONSTRUCTION OF A WHARF AT HANA, COUNTY OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon a warrant drawn by the auditor of the territory the sum of six thousand eight hundred seventy-nine and 20/100 dollars (\$6,879.20) to J. B. Agassiz for the losses sustained in carrying out the terms of that certain con-

tract entered into with the board of harbor commissioners of the Territory of Hawaii, on or about May 7, 1919, for the construction of a reinforced concrete wharf at Hana, County of Maui, Territory of Hawaii, said sum of six thousand eight hundred seventy-nine and 20/100 (\$6,879.20) being in addition to the amount appropriated by Act 166 of the Session Laws of 1921.

SECTION 2. Upon said payment by the Territory of Hawaii, the said J. B. Agassiz shall be required to release the territory from all claims under or in respect of the said contract.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 205

[H. B. No. 432.]

AN ACT AMENDING SECTION 297 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 114 OF THE SESSION LAWS OF 1917, ACT 107 OF THE SESSION LAWS OF 1919, AND ACT 245 OF THE SESSION LAWS OF 1921, RELATING TO MAINTENANCE OF SCHOOLS AND SALARY SCHEDULE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 297 of the Revised Laws of Hawaii, 1915, as amended by Act 114 of the Session Laws of 1917, Act 107 of the Session Laws of 1919, and Act 245 of the Session Laws of 1921, is hereby further amended to read as follows:

"Section 297. Salary schedule. The salary schedule fixing the pay of teachers, principals and supervisors heretofore adopted by the department of public instruction on December 7th and 8th, 1920, which was approved by the governor and duly published, except as amended by act of the legislature, is hereby adopted and approved as the salary schedule for the years 1924 and 1925, and all such teachers, principals and supervisors shall be paid accordingly. The total number of teachers, exclusive of supervisors, principals of schools with seventeen or more assist-

ants, and vocational teachers who may be continuously employed by the department, shall not exceed one for every thirty-five (35) pupils of compulsory school age enrolled in the public schools (not including those public schools where the teachers are paid from funds other than those raised in accordance with this section) at the time of the highest enrollment during the preceding year, plus an estimated increase of not more than 7.5 per centum in such enrollment after September 1st of the current year; it is provided, however, that the monthly payroll of teachers, supervisors and principals shall not exceed \$4.75 per capita of the number of pupils of compulsory school age enrolled, plus those over the school age attending public high schools, as estimated above, not including those pupils in schools where the teachers are paid from funds other than those raised in accordance with this section. And the treasurer of the territory, in making up his estimates of funds necessary to be raised out of the real and personal property taxes to meet such payroll shall take into consideration the estimated increase of not more than 7.5 per centum in the enrollment as aforesaid after September 1st of the current year and the consequent increase in the number of teachers and the amount of said payroll which will be necessary."

SECTION 2. This Act shall take effect on January 1, 1924.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 206

[S. B. No. 44.]

AN ACT APPROPRIATING THE SUM OF ONE HUNDRED FIFTY-NINE THOUSAND SEVEN DOLLARS AND NINETY-ONE CENTS (\$159,007.91) FOR REIMBURSING THE CITY AND COUNTY OF HONOLULU FOR THE COST OF PAVING CERTAIN PORTIONS OF STREETS IN KAKAOKO AND PORTIONS OF KING STREET BETWEEN ALAPAI STREET AND PUNAHOU STREET.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one hundred fifty-nine thousand seven dollars and ninety-one cents (\$159,007.91) is hereby appro-

priated out of the general fund of the Territory of Hawaii for the purpose of reimbursing the City and County of Honolulu for payments made by it on assessments for street improvement on streets in Kakaako and for street improvement on King Street between Alapai Street and Punahou Street, such payments having been made under the provisions of Section 2 of Act 241 of the Session Laws of 1919.

SECTION 2. The said sum of one hundred fifty-nine thousand seven dollars and ninety-one cents (\$159,007.91) shall be paid to the treasurer of the city and county by warrants drawn by the auditor of the territory, when and after said treasurer shall have paid into the treasury of the Territory of Hawaii, the sum of eighteen thousand one hundred thirty-six dollars and seventy-one cents (\$18,136.71), the same being unpaid interest on the Honolulu Water and Sewer Works bonds for the period from January 1, 1918 to January 1, 1923, as provided for under Act 182 of the Session Laws of 1915.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 207

[H. B. No. 94.]

AN ACT TO CONSTRUCT ROADS THROUGH THE KALOPA HOMESTEADS, IN THE DISTRICT OF HAMAKUA, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS UPON THE ISLAND AND COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twelve thousand dollars (\$12,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road or roads, through the Kalopa home-

steads, below or makai of the government road, in the District of Hamakua, County of Hawaii.

SECTION 2. The said sum of twelve thousand dollars (\$12,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said road, but in no case shall contract for an amount in excess of the sum of twelve thousand dollars (\$12,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The said sum of twelve thousand dollars (\$12,000.00) or so much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands upon the Island and County of Hawaii.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 208

[H. B. No. 136.]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT FROM THE GENERAL REVENUES OF THE TERRITORY FOR THE CONSTRUCTION OF ROADS IN THE KAUMANA-PIHONUA-PONAHAWAI HOMESTEAD TRACTS, DISTRICT OF SOUTH HILO, COUNTY OF HAWAII, THE SAME TO BE REPAYED FROM THE SALES OF PUBLIC LANDS ON THE ISLAND OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any moneys in the treasury of the

Territory of Hawaii, received from the general revenues, not otherwise appropriated, toward the construction of macadam roads in the Kaumana-Piihonua-Ponahawai homestead tracts.

SECTION 2. The said sum of ten thousand dollars (\$10,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads.

SECTION 3. The commissioner of public lands shall contract for the construction of said roads, but in no case shall contract for said roads in an amount in excess of ten thousand dollars (\$10,000.00). The said sum of ten thousand dollars (\$10,000.00) or as much thereof as may be expended shall be repaid into the general fund of the territorial treasury from the proceeds of the sale of public lands on the Island of Hawaii.

SECTION 4. Act 96 of the Session Laws of 1917, as amended by Act 162 of the Session Laws of 1919, is hereby repealed.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 209

[H. B. No. 208.]

AN ACT TO AMEND ACT 173 OF THE SESSION LAWS OF 1919,
RELATING TO CONSTRUCTION OF A ROAD FROM KALAPANA
ROAD THROUGH MAUKA KAMAILI HOMESTEADS, PUNA,
COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 173 of the Session Laws of 1919, is hereby amended to read as follows:

“Section 1. The sum of six thousand five hundred dollars (\$6,500.00) is hereby appropriated out of any moneys in the

treasury not otherwise appropriated for the construction of a road from Kalapana Road through the mauka Kamaili Homesteads, District of Puna, County of Hawaii."

SECTION 2. Section 2 of Act 173 of the Session Laws of 1919, is hereby amended to read as follows:

"Section 2. The said sum of six thousand five hundred dollars (\$6,500.00) or so much thereof as may be used in the construction of said road shall be repaid into the treasury of the territory by the commissioner of public lands, from the proceeds of sales of government land upon the Island of Hawaii."

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 210

[H. B. No. 220.]

AN ACT TO CONSTRUCT ROADS THROUGH THE WAIAKEA HOMESTEADS, IN THE DISTRICT OF SOUTH HILO, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS UPON THE ISLAND AND COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road or roads, through the Waiakea Homesteads, below or makai of the Volcano Road, in the District of South Hilo, County of Hawaii.

SECTION 2. The said sum of five thousand dollars (\$5,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the Commissioner of Public Lands in the manner provided by law for the construction

of homestead roads. The Commissioner of Public Lands shall contract for the construction of said road or roads, but in no case shall contract for an amount in excess of the sum of five thousand dollars (\$5,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The said sum of five thousand dollars (\$5,000.00) or so much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands upon the Island and County of Hawaii.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 211

[H. B. No. 278.]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT
OUT OF THE GENERAL REVENUES OF THE TERRITORY FOR THE
CONSTRUCTION OF ROADS IN THE WAIAKEA HOUSE LOTS,
DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of eleven thousand dollars (\$11,000.00) is hereby appropriated, to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of Mililani Avenue from Lanikaula Avenue to Manono Avenue, and the construction of Piilani Avenue from Mililani Avenue to Manono Avenue, in the Waiakea House Lots, District of South Hilo, County of Hawaii.

SECTION 2. The said sum of eleven thousand dollars (\$11,000.00) shall be disbursed on warrants drawn by the auditor of the territory, based on vouchers approved by the commissioner

of public lands, who shall contract for the construction of said roads with the County of Hawaii; provided, however, that this appropriation is contingent upon the appropriation of four thousand dollars (\$4,000.00) by the County of Hawaii, to be expended together with the eleven thousand dollars (\$11,000.00) hereby appropriated for the construction of said roads.

In case the full amount of fifteen thousand dollars (\$15,000.00) is not necessary, the two funds shall be drawn on in proportion to their respective totals.

SECTION 3. The said sum of eleven thousand dollars (\$11,000.00) or so much thereof as may be expended shall be repaid into the general fund of the territorial treasury from the sales of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 212

[H. B. No. 300.]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT
OUT OF THE GENERAL REVENUES OF THE TERRITORY, FOR THE
CONSTRUCTION OF ROADS IN THE WAIKEA HOUSE LOTS,
DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of nine thousand dollars (\$9,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of Lanikaula Avenue extension to Laukapu Avenue, and Laukapu Avenue extension to Lanikaula Avenue, all in the Waikea House Lots, District of South Hilo, County of Hawaii.

SECTION 2. The said sum of nine thousand dollars (\$9,000.00) shall be disbursed on warrants drawn by the auditor of the territory, based on vouchers approved by the commissioner of public lands, who shall contract for the construction of said roads with the County of Hawaii.

SECTION 3. The said sum of nine thousand dollars (\$9,000.00) or so much thereof as may be expended shall be repaid into the

general fund of the territorial treasury from the sales of public lands in the County of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 213

[H B. No. 333.]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT
OUT OF THE GENERAL REVENUES OF THE TERRITORY FOR THE
CONSTRUCTION OF ROADS AND (OR) TRAILS TO AND THROUGH
THE PAHOEHOE I AND IV HOMESTEADS, DISTRICT OF SOUTH
KONA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of six thousand dollars (\$6,000.00) is hereby appropriated to be paid out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of roads and (or) trails to and (or) through the Pahoehoe I and IV Homesteads, in the District of South Kona, County of Hawaii.

SECTION 2. The said sum of six thousand dollars (\$6,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said road and (or) trails.

SECTION 3. The said sum of six thousand dollars (\$6,000.00) hereby provided for, or so much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 214

[S. B. No. 135.]

AN ACT TO PROVIDE FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated for the following purposes, out of any available moneys now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated.

TERRITORIAL IMPROVEMENTS.

Wharf and Harbor Improvements.

(To be expended under the direction of the Harbor Commission).

OAHU:

1. Construction of Pier 11 and dredging.....	\$350,000.00
2. Wharf and dredging Kewalo Basin.....	120,000.00
3. Concrete slab, rear of Pier 2.....	60,000.00

HAWAII:

4. Reconstruction of Kuhio Wharf, in concrete....	350,000.00
5. Construction of wharf, including dredging and approach, Kailua	150,000.00

MAUI:

6. Wharf and harbor improvements, including approach, Kahului	375,000.00
7. Wharf and harbor improvements, Mala.....	100,000.00

MOLOKAI:

8. New wharf, dredging and purchase of present approach, Kaunakakai	125,000.00
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KAUAI:

9. Nawiliwili wharf and terminal improvements....	100,000.00
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New Buildings and Other Improvements.

10. Insane Asylum	300,000.00
11. Territorial department building	250,000.00
12. New buildings, including equipment, University of Hawaii	180,000.00
13. Continuation of Volcano Road	250,000.00

From end of present unit under contract toward Volcano as far as funds may permit: to be constructed of bituminous concrete of a standard type, the grade and the line of the present road to be altered as little as is compatible with good construction, to the end that the preset road bed be utilized as a base for the new pavement.

SECTION 2. The following sums are also hereby appropriated for the following purposes out of any available money now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated; provided that the sums specified in items 14 to 48, both inclusive, shall be expended by the boards of supervisors of the respective counties or city and county, in accordance with plans and specifications prepared by the engineer of such county or city and county, subject to the provisions of Section 4 hereof.

Construction, relocation and reconstruction of belt roads and bridges; installation of water works, extensions of pipe lines and completion of reservoirs; construction and equipment of hospitals; purchase of parks and playgrounds:

COUNTY OF HAWAII:

14. Hilo Memorial Hospital and equipment (additional amount)	70,000.00
15. Belt road, Honokaa toward Waimea.....	100,000.00
16. Road, North Kohala towards South Kohala beginning at Puuhue	200,000.00
16A. Road, North Kohala, from Mahukona toward Puuhue	50,000.00
17. Reservoirs, pipe lines and extensions.....	100,000.00
18. Concrete bridges and approaches.....	20,000.00
19. Hospital, Honokaa, Hamakua	30,000.00
20. Belt road, South Kona, toward North Kona.....	50,000.00
21. Belt road, North Kona, beginning at the south end of Macadam road in Holualoa and running towards Kealakekua	50,000.00

22.	Hospital, Waiohinu, Kau	30,000.00
23.	Hospital, Laupahoehoe, North Hilo.....	30,000.00
24.	Belt road, Kau, beginning at Kaalaiki and running toward Pahala	60,000.00
25.	Extension, sewer system, Hilo	100,000.00
26.	Waiolama Flood protection	75,000.00

Should this Waiolama flood protection project be done with funds from other sources before the bonds therefor are sold, the funds received from the sale of bonds for said purpose or so much thereof as may be necessary shall be repaid into the fund from which said moneys are drawn, whether territorial, county or otherwise, provided that all expenditures under this item shall be in accordance with the plans and specifications to be prepared by the county engineer, and approved by the superintendent of public works.

CITY AND COUNTY OF HONOLULU:

27.	Kamehameha Highway	700,000.00
	From Waiahole Bridge toward Haleiwa; provided that the construction of said highway need not be continuous, and provided further, that such construction may be wholly or in part of Portland cement concrete or bituminous concrete of a standard type; and provided, further, that the grade and line of the present road be altered as little as is compatible with good construction to the end that the present road bed be utilized as a base for the new pavement, in accordance with the plans and specifications to be prepared by the city and county engineer, and approved by the superintendent of public works.	
28.	Road to and through Waimanalo Beach lots....	100,000.00
29.	Road to and through Kailua Beach lots.....	100,000.00
30.	Waianae road, beginning at the present intersection of the Waianae and Honouliuli road and building toward Waianae; said road to be constructed on Telford base with any asphaltic surface	220,000.00

(Provided that said construction need not be continuous, but that said sum may be expended on such portion of said road as the board of supervisors may deem advisable.)

31. Water works and pipe line, Waialua.....	30,000.00
32. Water works, pipe and water development, Wai-anae District, in addition to amount appropriated by Act 231, Session Laws, 1921.....	30,000.00
33. Water works and pipe line, Waikele Homesteads, Ewa	5,000.00
34. Acquisition, Pauoa Park	20,000.00
35. Acquisition, Atkinson Park, Kakaako.....	35,000.00
35A. Purchase and improvement of recreation park for public purposes in Kewalo.....	35,000.00

COUNTY OF MAUI:

36. Belt road, Kailua towards Kopiliula.....	155,000.00
37. Extension of Belt road, Kipahulu to Kaupo, along seashore	110,000.00
38. Water works, Hana	75,000.00
39. Water Works, Halawa, Molokai.....	15,000.00
40. Water works, Kaupo	15,000.00
41. Construction of Kahakuloa Road	15,000.00

COUNTY OF KAUAI:

42. Water works, Kalaheo	30,000.00
43. Water works, Waimea	35,000.00
44. Macadamizing, Haena Road extension	15,000.00
45. Macadamizing Omao Road	35,000.00
46. Water works, Hanalei	5,000.00
47. Water works, Koloa	20,000.00
48. Water works, Kekaha	10,000.00

In case the amount specified in any item of this section for the construction or reconstruction of the road named in said item shall not be wholly required for such road, the unexpended or unrequired balance may be expended for the road work specified in any of the other items for the same county or city and county.

SECTION 3. Each county or city and county shall pay to the territory, on the interest dates of any bonds that may be issued by the territory, the proceeds of which shall have been expended for such of the projects referred to in said items 14 to 48, both inclusive, as shall have been expended in such county or city and county, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds, and also such sums annually on the second interest date and the same date each year thereafter, during the term for which such bonds shall

have been issued, whether afterwards refunded or not, that the aggregate of such sums annually paid will, compounded annually at such rate of interest, equal at the expiration of such terms, such par value; and the auditor of the territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of such county or city and county, such amounts when due as are required by this section, to be paid by such county or city and county, and proper receipts shall thereupon be exchanged between the treasurers of the territory and of such county or city and county; provided, however, that such county or city and county may, at the option of its board of supervisors, pay on account of such bonds on any such interest date, any additional sum, and when the accrued values of all sums other than interest, paid on account of such bonds, shall equal the par value of such bonds, all the obligations of said county or city and county in respect of such bonds, principal and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for by Section 1182 of the Revised Laws of Hawaii, 1915, in addition to the amount required to be deposited by said section.

SECTION 4. No moneys shall be expended under items 14 to 48, both inclusive, except as to items 14, 19, 22, 23, 34, 35 and 35A of this Act, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any sewerage system, water works, road or roads intended to be paid for in whole or in part with moneys provided by said items shall first be passed upon and approved by the superintendent of public works. Before approving said methods, materials, plans and specifications, said superintendent shall inspect the locality in which the said work is proposed to be done and shall familiarize himself with the local conditions affecting the said proposed work.

SECTION 5. This Act shall be known as the Loan Fund Act of 1923-1925.

SECTION 6. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 215

[H. B. No. 215.]

AN ACT TO AMEND SECTION 3825 OF THE REVISED LAWS OF HAWAII, 1915, CONCERNING CRIMINAL PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3825 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 3825. Murder, manslaughter. Under an indictment for murder or manslaughter a jury may return a verdict of manslaughter or for assault and battery, as the facts proved will warrant.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 216

[H. B. No. 87.]

AN ACT TO AMEND SECTION 171 OF THE REVISED LAWS OF HAWAII, 1915, CONCERNING INVENTORIES OF GOVERNMENT ASSETS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 171 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 171. By Territorial officers. It shall be the duty of the secretary of the Territory, the superintendent of public works, the commissioner of public lands, the treasurer of the Territory, the attorney general, the superintendent of public instruction, the president of the board of commissioners of agriculture and forestry, the auditor of the Territory, the surveyor of the Territory, the high sheriff of the Territory, the clerk of the supreme court (for the whole judiciary department of the Territory), the president of the board of health, and all other persons and boards of a

public character having in their custody or under their control or in any wise using property belonging to the Territory of Hawaii (which latter persons and boards are not by law under the control and direction of any of the departments or heads of departments herein specifically named), in the month of July of each year to prepare and file with the tax assessor of the taxation division in which such property is situate, a return or inventory, sworn to before a person authorized by law to administer oaths, containing a full, true and corrected list by detailed items of all property, of whatsoever nature, (as of July 1 of the year for which such return is made) belonging to the Territory of Hawaii and in the possession, custody, control or use of the officer so making such return or of the department of the government over which he presides or of any officer, agent or employee serving in such department or under such returning officer, and containing further opposite each item a statement of the full cash value of the property therein named according to the best knowledge, information and belief of the officer making such return. It shall also be the duty of the officer making such return to similarly file a copy of such sworn inventory with the board of disposal of the Territory, accompanied, however, by detailed separate statements, under oath, of those items of property acquired, and those disposed of, during the year elapsed since the inventory made as of the last preceding July 1."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 217

[H. B. No. 328.]

AN ACT TO AMEND CHAPTER 153 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO HABEAS CORPUS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2744 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2744. Bail, etc., before judgment. Until judgment is given, a court or judge may remand the party or accept bail

for his appearance from day to day, or may place him under special care and custody, as circumstances may require. In case the custody of a minor is involved, any order made by the court as to the temporary custody thereof shall not be arrested by any appellate proceedings unless otherwise ordered by the appellate court within ten days from the perfecting of the appeal."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 218

[H. B. No. 435.]

AN ACT TO AMEND SECTION 1041 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO THE PRACTICE OF DENTISTRY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1041 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 1041. Issued on examination, when; fee. Any person who has reached the age of twenty-one years and of good moral character, who has graduated at and holds a diploma from a reputable dental college, and who desires to practice dentistry in this territory, shall file his or her application with and pay to the secretary of the board a fee of twenty-five dollars (\$25.00) which in no case shall be refunded, and present himself or herself for examination at the first meeting of the board after such application, and upon passing an examination satisfactory to the board, his or her name, age, nationality, location and number of years of practice shall be entered in a book kept for that purpose, and a certificate of license to practice shall be issued to such person.

Provided, however, upon recommendation of the president of the board of health, the board of dental examiners may issue without examination to any person qualified to be examined, a temporary license to practice dentistry, under the employ of the department of public instruction or the board of health or a legally incorporated eleemosynary dental infirmary or dispensary; said

license to be in force only while said dentist is in the employ of the said department of public instruction or the board of health or a legally incorporated eleemosynary dental infirmary or dispensary, and shall be automatically cancelled when said dentist shall have been examined by the territorial board of dental examiners, and shall be subject to revocation by said dental board at any time."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 219

[H. B. No. 426.]

AN ACT TO AMEND SECTION 2197 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO SALARIES AND EXPENSES, CIRCUIT COURTS, AND REPEALING ACT 210 OF THE SESSION LAWS OF 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2197 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 2197. Expenses circuit courts. The several counties and city and county shall pay the expenses of their respective circuit courts and the salaries of the following officers of such courts, as required by such courts, to the extent of the following amounts, and may pay such increases in such salaries and expenses, and such salaries of such other officers of such courts as may from time to time be deemed necessary or proper.

FIRST CIRCUIT COURT.

	Per month.	Per annum.
Chief clerk, cashier and bookkeeper.....	\$ 275.00	\$ 3,300.00
First assistant chief clerk	200.00	2,400.00
Second assistant chief clerk and stenographer	200.00	2,400.00
Third assistant chief clerk.....	125.00	1,500.00
One (1) indexer and typist, clerk's office.	85.00	1,020.00
Messenger and bailiff	85.00	1,020.00

Eight (8) courtroom clerks and stenographers (To be assigned to the judges of the first circuit and to any judges of other circuits called to the first circuit as occasion may require) each.....	200.00	19,200.00
Four (4) shorthand reporters (one for each division) each	300.00	14,400.00
Hawaiian interpreter	185.00	2,220.00
Japanese interpreter	185.00	2,220.00
Chinese interpreter	185.00	2,220.00
Filipino interpreter	185.00	2,220.00
Other interpreters (to be paid by order of court) .....	.....	1,000.00
Circuit court expenses, jury fees, etc. ....	.....	30,000.00

DIVISION OF DOMESTIC RELATIONS.

All of the officials named under this heading shall be appointed and may be removed by the judge of the court of domestic relations and all of the appropriations under this heading shall be expended under the supervision of the judge of the court of domestic relations.

Three (3) truant officers, each.....\$	125.00	\$ 4,500.00
Matron shelter home	140.00	1,680.00
Assistant matron, shelter home.....	100.00	1,200.00
Maintenance shelter home .....	.....	9,000.00
Care of dependent children.....	.....	10,000.00
Upkeep automobile truant officers.....	75.00	900.00
Upkeep automobile probation officers.....	125.00	1,500.00
Equipment .....	.....	500.00
Purchase 4 new automobiles (two for probation officers and two for truant officers)—Total .....	.....	3,050.00

Upon the purchase of these new automobiles the court of domestic relations must turn over to the City and County of Honolulu three (3) of the automobiles now in the service of the court.

SECOND CIRCUIT COURT.

	Per month.	Per annum.
Clerk	\$ 185.00	\$ 2,220.00
Deputy clerk	125.00	1,500.00

Court reporter and assistant clerk.....	185.00	2,220.00
Court expenses .....	.....	8,000.00
Support, juvenile court dependents.....	.....	1,500.00
Probation officer	165.00	1,980.00
Expenses, probation officers .....	.....	500.00
Law books .....	.....	750.00

THIRD CIRCUIT COURT.

Clerk	\$ 175.00	\$ 2,100.00
Court reporter	200.00	2,400.00
Support, juvenile dependents .....	.....	600.00
Court expenses .....	.....	6,500.00
Law books .....	.....	350.00

FOURTH CIRCUIT COURT.

Clerk	\$ 200.00	\$ 2,400.00
Assistant clerk, interpreter and messenger	175.00	2,100.00
Court reporter	225.00	2,700.00
Probation officer for boys.....	125.00	1,500.00
Probation officer for girls.....	100.00	1,200.00
Expenses, probation officers .....	.....	500.00
Court expenses .....	.....	10,000.00
Support, juvenile court dependents .....	.....	1,500.00
Law books .....	.....	750.00

FIFTH CIRCUIT COURT.

Clerk	\$ 185.00	\$ 2,220.00
Court reporter, librarian and assistant clerk	185.00	2,220.00
Court expenses .....	.....	7,500.00
Support, juvenile court dependents.....	.....	1,500.00
Probation officer	150.00	1,800.00
Expenses, probation officer .....	.....	500.00
Law books .....	.....	750.00

SECTION 2. Act 210 of the Session Laws of 1921 is hereby repealed.

SECTION 3. This Act shall take effect July 1, 1923.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 220

[H. B. No. 276.]

AN ACT TO AMEND SECTION 1479 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PRISON INSPECTORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1479 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1479. Powers, discipline, rules, punishments, commutations. Each board shall have power to supervise the discipline and government of all prisons and jails within the judicial circuits for which such board is appointed; to provide such rules and regulations not contrary to law as in the opinion of a majority of such board are advisable for the improvement of the discipline and government of such prisons and jails; to prescribe on consultation with the warden or jailer, whenever the same can be done, arduous work to be performed by prisoners to occupy at least eight working hours each day except Sundays and holidays, (but no prison labor to be let or hired in competition with free labor), such work where practicable to be remunerative to the prison; the punishment to be inflicted on prisoners for breach of prison rules or other misconduct; to decide who are entitled to the commutation of sentence provided by law for good behavior, and who shall be deprived of such commutation in whole or in part, and to restore in their discretion in whole or in part to any prisoner the commutation which such prisoner shall have lost; to classify the prisoners, designating the grade to which each shall belong, the privileges not inconsistent with law which they shall have and the garb which they shall wear."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 221

[H. B. No. 334.]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY FOR THE CONSTRUCTION OF ROADS AND (OR) TRAILS TO AND THROUGH THE WAIEA HOMESTEADS, DISTRICT OF SOUTH KONA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of six thousand dollars (\$6,000.00) is hereby appropriated to be paid out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of roads and (or) trails to and (or) through the Waiea Homesteads, District of South Kona, County of Hawaii.

SECTION 2. The said sum of six thousand dollars (\$6,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said roads and (or) trails.

SECTION 3. The said sum of six thousand dollars (\$6,000.00) hereby provided for, or so much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 222

[H. B. No. 427.]

AN ACT TO AMEND SECTION 1444 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO SALARIES AND FEES OF SHERIFFS AND THEIR DEPUTIES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1444 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1444. Salaries, fees. The high sheriff and deputy high sheriff and the sheriffs of the various counties and City and County of Honolulu and their respective deputies, shall receive in full payment of their services such annual salaries or compensation as shall from time to time be prescribed by the legislature or by the various boards of supervisors of such counties or city and county.

Provided, however, that the legally prescribed fees received in lieu of or from the sale and conveyance of property under execution or other writ or order issued from any court, to an amount not exceeding fifty dollars (\$50.00) in lieu of or for any one such sale and conveyance, shall belong to the high sheriff or deputy high sheriff, or to the county sheriff or deputy county sheriff, or to the city and county sheriff or deputy city and county sheriff making such sale and conveyance, or receiving such fees in lieu of any one such sale and conveyance, the excess of such fees over said sum of fifty dollars (\$50.00) if any, to be returned to the treasury of the territory, or county, or city and county, as the case may be as a government realization.

Provided, further, that the legally prescribed fees for service of summons, subpoena, warrant, attachment, execution, or other process of court, as provided by Act 58, Session Laws of 1919, shall belong to the high sheriff or deputy high sheriff, or to the county sheriff or deputy county sheriff, or to the city and county sheriff or deputy city and county sheriff, or to any police officer making such service."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 223

[H. B. No. 434.]

AN ACT TO AMEND SECTION 28 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 152 OF THE SESSION LAWS OF 1915, AND ACT 3 OF THE SESSION LAWS OF 1917, RELATING TO PRIMARY LAW.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 28 of the Revised Laws of Hawaii, 1915, as amended by Act 152 of the Session Laws of 1915, and Act 3 of the Session Laws of 1917, is hereby amended to read as follows:

"Section 28. Primary held when; candidates only those nominated. 1. The primary shall be held at the regular polling place in each precinct on the first Saturday of October in the year 1916 and biennially thereafter; provided, that in such county or counties or city and county where an election of county officers has by law been fixed to take place in November of any odd year, a primary shall also be held on the second Saturday of the first month preceding such election month and biennially thereafter for the election of such county officers.

2. No person shall be a candidate for the ensuing general or county election unless he shall have been nominated in the primary next prior thereto."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 224

[S. B. No. 18]

AN ACT TO EXTEND THE HOMESTEAD ROAD THROUGH THE KAMAOLE MAKAI HOMESTEAD LOTS, DISTRICT OF MAKAWAO, COUNTY OF MAUI, BY WAY OF AN ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF SALE OF PUBLIC LANDS OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand five hundred dollars (\$3,500.00) or so much as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii not otherwise appropriated, to be expended by way of advancement for the construction, rebuilding, relocating and building of roads, Kamaole homestead lots, District of Makawao, County of Maui.

SECTION 2. The said sum of three thousand five hundred dollars (\$3,500.00) or so much thereof as may be necessary, hereby appropriated, shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands who shall construct said roads, by contract with the County of Maui as is provided by law; and the amount expended hereunder shall be deemed an advancement out of the general revenues and be reimbursed to the general revenues out of the proceeds of sales of public lands, Maui, when hereafter received.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 225

[S. B. No. 139.]

AN ACT TO AMEND SECTION 1419 OF THE REVISED LAWS OF HAWAII, 1915, CONCERNING CONTRACTS INVOLVING THE EXPENDITURE OF PUBLIC MONEY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The first two paragraphs of Section 1419 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

“Section 1419. Contracts; security; bids and conditions attending. All such contracts shall be in writing, shall be executed in the name of the territory, county or city and county, as the case may be, by the officer letting the same, and shall be made with the lowest responsible bidder after publication of a call for tenders, for not less than ten days, in a newspaper of general circulation printed and published within said territory. Before any contract is entered into such security for performance as shall be satisfactory to the officer letting the contract shall be furnished by the successful bidder; provided, however, that the penal amount of any bond required shall not be for more than fifty per cent of the amount bid by the successful bidder when the amount so bid does not exceed fifty thousand dollars (\$50,000.00), and, when the amount so bid does exceed fifty thousand dollars (\$50,000.00), the penal amount shall not be more than twenty-five thousand dollars (\$25,000.00) plus twenty per cent of the amount bid in excess of fifty thousand dollars (\$50,000.00).

“All bids shall be accompanied by a certificate of deposit or certified check, on a bank doing business within the Territory of Hawaii, for a sum equal to five per cent of the amount bid, payable at sight to the officer advertising for tenders; provided, however, that, when the amount bid exceeds fifty thousand dollars (\$50,000.00), the said certificate of deposit or certified check shall be for two thousand five hundred dollars (\$2,500.00) plus two per cent of the amount in excess thereof. If the bidder to whom the contract is awarded shall fail or neglect to enter into the contract and furnish satisfactory security within ten days after such award or within such further time as such officer may allow, such officer shall draw the money due on such certificate of deposit or check and pay the same into the treasury as a realization of the territory, county or city and county respectively; if the contract is entered into and the security furnished within such re-

quired time such certificate or check shall be returned to the successful bidder; the certificates or checks deposited by unsuccessful bidders shall be returned to them after the award of the contract."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 226

[H. B. No. 38.]

AN ACT TO AMEND SECTIONS 1224, 1225 AND 1226 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO POLL, SCHOOL AND ROAD TAX.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1224 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1224. Poll tax. An annual tax of one dollar (\$1.00) shall be paid by every male inhabitant of the territory and by every female inhabitant of the territory, having an independent income, between the ages of twenty and sixty years, unless exempted by law."

SECTION 2. Section 1225 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1225. School tax. An annual tax of two dollars for the support of public schools shall be paid by every male inhabitant of the territory and by every female inhabitant of the territory, having an independent income, between the ages of twenty and sixty years, unless exempted by law."

SECTION 3. Section 1226 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1226. Road tax. An annual road tax of two dollars (\$2.00) shall be paid by every male inhabitant of the territory, and by every female inhabitant of the territory, having an inde-

pendent income, between the ages of twenty and sixty years, unless exempted by law."

SECTION 4. This Act shall take effect and be in force from the 1st day of January, A. D. 1924.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 227

[H. B. No. 262.]

AN ACT TO REGULATE THE PRACTICE OF ENGINEERING, ARCHITECTURE, AND SURVEYING IN THE TERRITORY OF HAWAII, CREATING A BOARD OF REGISTRATION, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. In order to safeguard life, health and property, no person shall practice or offer to practice or hold himself out to the public as practicing or qualified to practice professional engineering, professional architecture or professional surveying in the Territory of Hawaii unless he be duly registered under the provisions of this Act.

SECTION 2. A territorial board of registration for professional engineers, architects and surveyors is hereby created which is hereinafter called "the board" to be appointed by the governor in the manner prescribed in Section 80 of the Organic Act. Said board shall consist of seven members, comprising at least two professional engineers, two professional architects, two professional surveyors and one other person, and shall be known as the "board of registration of professional engineers, architects and surveyors". The appointments, unless to fill out unexpired terms, shall be for three years; subject, however, to removal by the governor in the manner prescribed in the Organic Act.

Each member of the board shall have been a resident of the territory for at least three years, and shall have been engaged in the practice of his profession for at least nine years immediately preceding the date of his appointment. Members of the board shall serve without pay, except the secretary, who shall be allow-

ed such compensation as the board may fix with the approval of the governor.

SECTION 3. The board shall be entitled to the services of the attorney general of the territory in connection with its affairs, and shall have the power to compel the attendance of witnesses upon subpoena, administer oaths, take testimony and to do all other things necessary and proper to carry out the provisions of this act in all matters within its jurisdiction. It shall adopt and have an official seal and make and publish, with the approval of the governor, by-laws and rules and regulations for the performance of its duties and the carrying on of its business and this act. It shall be provided with suitable office quarters by the territory and shall hold at least two regular meetings during each year. It shall have a chairman, a vice-chairman and a secretary, and a quorum shall consist of not less than four members, one of whom shall be either the chairman or vice-chairman. The secretary of the board shall receive and account for all moneys and shall deposit the same in the treasury of the Territory of Hawaii and the amounts so deposited are hereby appropriated to defray the expenses of the board. The secretary of the board shall furnish a good and sufficient bond conditioned for the faithful performance of his duties to the treasurer of the territory. The board shall keep a record of its proceedings and all applicants for registration, as engineer, architect or surveyor, the date of application, name, age, educational and other qualifications, place of business and residence, whether or not an examination was required and whether or not the applicant was registered and a certificate issued to him and the date of such action. Such records shall be *prima facie* evidence of all matters therein contained, and shall be filed in the bureau of public archives of the territory and be open to public inspection and temporary withdrawal in all proper cases.

SECTION 4. The board shall, on application therefor, on the prescribed form and the payment of a fee of fifteen dollars (\$15.00) issue a certificate of registration:

1. To any person who submits satisfactory evidence to the board that he is fully qualified to practice professional engineering, architecture or surveying;

2. To any person who holds a like unexpired certificate of registration issued to him by proper authority in any state of the United States or in any province of Canada, in which the requirements for the registration of professional engineers, architects or surveyors are of a standard satisfactory to the board;

Unless disqualifying evidence be before the board, any one of the following facts satisfactorily established in the application shall be regarded as *prima facie* evidence satisfactory to the board, that the applicant is fully qualified to practice either professional engineering, professional architecture or professional surveying;

(a) Six or more years of active engagement in professional engineering, architecture or surveying; or

(b) Graduation, after a course of not less than three years, in engineering, architecture or surveying, from a school, college or university approved by the board as of satisfactory standing, and an additional two years' experience in engineering, architecture or surveying work; or

(c) Full membership in any national or state engineering or architectural society approved by the board.

Applicants for registration, in cases where the evidence originally presented in or with the application does not appear to the board satisfactory for the issuance of a certificate, may present further evidence which may include the results of a required examination for the consideration of the board, and the board then shall determine as to whether or not the applicant shall be registered. In the event that the applicant be rejected, his registration fee shall be returned.

Certificates of registration shall expire on the last day of the month of April following their issuance or renewal and shall become invalid on that date unless renewed and it shall be the duty of the secretary of the board to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount required for its renewal for one year. The fee for renewal shall be two dollars (\$2.00).

SECTION 5. The board shall have the power to revoke or suspend for a period the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the same or of gross negligence, incompetency or misconduct, in the practice of his profession or who is convicted of violating the provisions of this act or the rules or regulations of the board, and any person may prefer charges against any person holding such certificate, in writing with the secretary of the board. Such charges unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they were filed at a time and place to be fixed by the board, a copy of the charges together with a notice of the time and place of hearing shall be sent by registered mail to the accused at least thirty days before

the time fixed for hearing and such mailing to the accused's last known place of business or residence shall be sufficient service. It shall require a unanimous vote of the members of the board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the board shall either revoke or suspend for a period not exceeding one year, the certificate of registration of the accused, in its discretion; provided, however, that any such action of the board shall be subject to review, revision and for the approval of the governor.

SECTION 6. Each certificate issued hereunder shall specify whether the person to whom it is issued is authorized by the board to practice professional engineering, professional architecture or professional surveying, or all or any two of the said professions, and such person may obtain a seal of the design authorized by the board bearing his name, and the words "registered professional engineer", "registered professional architect" or "registered professional surveyor" or otherwise as may be authorized by the board.

SECTION 7. A coporation or copartnership may engage in the practice of professional engineering, architecture or surveying in this territory provided the person or persons connected with such corporation or copartnership directly in charge of such professional work is duly registered hereunder.

SECTION 8. The following shall be exempted from the provisions of this act:

1. Persons practicing professional engineering, architecture or surveying solely as officers or employees of the United States;
2. Persons practicing professional engineering, architecture or surveying solely as employees of the territory or any political subdivision thereof at the time this act becomes effective and thereafter only until the expiration of the terms of office or employment of such persons;
3. Such persons as may be granted a temporary permit by the board of practice professional engineering, architecture or surveying for a limited period. The fee for such temporary permit shall be fifteen dollars (\$15.00) and the same may be cancelled at any time at the pleasure of the board.

SECTION 9. One year after this act goes into effect, neither the Territory of Hawaii nor any officer thereof, nor any political subdivision thereof nor any officer thereof, shall engage in the construction of any public work involving professional engineering, architecture or surveying for which the plans, specifications

and estimates have not been made by, and the construction is not supervised by a professional engineer or architect or surveyor duly registered hereunder, provided that nothing in this section contained shall be held to apply to any public work wherein the expenditure therefor does not exceed the sum of fifteen thousand dollars (\$15,000.00) and provided further that the provisions of this Act shall not apply to work in respect to any one-storied buildings, dwellings or structures, the estimated cost of which does not exceed fifteen thousand dollars (\$15,000.00).

SECTION 10. Nothing in this Act shall be construed as preventing any person, firm or corporation, from engaging in engineering, architectural or surveying work and undertakings upon property owned or exclusively controlled or possessed by such person, firm or corporation or from hiring any person to do such work, unless the same involves the safety or health of the public. All work in which the public safety or health is involved, shall be designed by and the construction supervised by a duly registered professional engineer or architect.

SECTION 11. Any person who, after this act has been in effect for the period of one year, shall practice, offer to practice or hold himself out as authorized and qualified to practice professional engineering, architecture or surveying in the Territory of Hawaii except as provided in Section 10 hereof without being duly registered under the provisions of this act or who shall use a seal as herein provided without being duly registered under this act, or shall violate any of the provisions of this act, or who shall use or attempt to use as his own the seal or the certificate of registration of another, or give false or forged evidence of any kind to the board or to any member thereof in any matter properly before the board, or shall falsely impersonate any duly registered practitioner hereunder or who shall use or attempt to use expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall be fined upon conviction in the sum of not more than five hundred dollars (\$500.00) or imprisoned for the period of not more than one (1) year or both in the discretion of the court or judge.

SECTION 12. If any clause, sentence, paragraph or part of this act, for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy, suit or action in which said judgment shall have been rendered.

SECTION 13. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 228

[H. B. No. 380.]

AN ACT TO AMEND ACT 156 OF THE SESSION LAWS OF 1917, RELATING TO THE USE OF WATER FROM ARTESIAN WELLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3 of Act 156 of the Session Laws of 1917 is hereby amended to read as follows:

"Section 3. For the purposes of this Act, waste is defined to be causing, suffering or permitting the water in any artesian well to reach any porous substratum before coming to the surface of the ground, or to flow from such well upon any land, or directly into any stream, or other natural water course or channel, or into the sea or any bay, lake, or pond; or into any street, road or highway, unless to be used for beneficial purposes; provided, that this section shall not be so construed as to prevent the beneficial use of such water by direct flow, or from storage reservoirs served by such wells, for irrigation, domestic and other useful purposes, except for driving machinery; provided, however, that such water may be used for driving machinery, in case it be utilized afterwards for irrigation or other useful purposes. The extent to which water of any artesian well may be devoted to useful or beneficial purposes shall be subject to regulation by the superintendent of hydrography, division of hydrography, Territory of Hawaii, to such quantities as may be necessary for the purposes for which the well is used."

SECTION 2. Section 4 of Act 156 of the Session Laws of 1917 is hereby amended to read as follows:

"Section 4. Every artesian well shall be maintained by the owner, tenant, or occupant of the land upon which such well is situated or the person in charge of such well so as to provide access at all times for purposes of inspection unless the well has been sealed just above the water bearing stratum in a manner approved by the superintendent of hydrography."

SECTION 3. Act 156 of the Session Laws of 1917 is hereby amended by adding thereto a new section to be known as Section 4A to read as follows:

"Section 4A. No artesian well shall be drilled without first notifying, in writing, the superintendent of hydrography, which notice shall state the exact location of said proposed well, the owner's name, the well driller's name and the proposed use of the water."

SECTION 4. Section 6 of Act 156 of the Session Laws of 1917 is hereby amended to read as follows:

"Section 6. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall, for each offense, upon conviction thereof, be fined not more than fifty dollars (\$50.00); and where continuance of waste, as defined in this Act, is under immediate control, each day's continuance of the same, after written notice from the superintendent of hydrography, shall constitute a separate offense; provided, however, that when the continuance of such waste is not under immediate control, as where recasing or sealing is necessary, each day's continuance of the same shall constitute a separate offense after sixty (60) days have elapsed from the time of receiving written notice from the superintendent of hydrography to prevent waste."

SECTION 5. Act 156 of the Session Laws of 1917 is hereby further amended by adding thereto a new section to be known as Section 7A, to read as follows:

"Section 7A. Any person, firm, copartnership or corporation adversely affected thereby may appeal to the board of appeals from any ruling of the superintendent of hydrography regulating the flow, manner of sealing, or manner of repairing of any artesian well by filing in writing a notice of appeal within ten days after the date of such ruling with said superintendent. Said appeal shall be heard by the attorney general, the commissioner of public lands and the superintendent of public works, sitting together, who, while so sitting together, for the purposes of this Act, shall constitute a board of appeals. The vote of one member of this board, disapproving the ruling appealed from, shall operate to sustain the appeal and abrogate the ruling."

SECTION 6. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 229

[H. B. No. 386.]

AN ACT TO AMEND SECTION 2539 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 58 OF THE SESSION LAWS OF 1919, RELATING TO COSTS OF DISTRICT COURTS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2539 of the Revised Laws of Hawaii, 1915, as amended by Act 58 of the Session Laws of 1919, is hereby further amended to read as follows:

“Section 2539. Schedule. For every summons, warrant, attachment, or other process, issued by any district court magistrate or clerk, one dollar (\$1.00). For every adjournment upon the motion of either party, twenty-five cents (25c). For every subpoena issued, fifty cents (50c). For administering any oath, ten cents (10c.) For filing any paper at the request of any party, ten cents (10c). For rendering and entering up judgment, one dollar (1.00). For every transcript or certificate of judgment issued, fifty cents (50c). For every bond, or other security, drawn by the magistrate, one dollar (\$1.00). For noting an appeal, ten cents (10c); filing thereof, ten cents (10c); and for making a return thereof, one dollar (\$1.00). For entering any discontinuance or non-suit, fifty cents (50c).

“High sheriff’s, sheriff’s or police officer’s fees: For serving any summons, warrant, attachment or other process, one dollar (\$1.00). For every copy of an attachment and inventory of the property attached, served upon the defendant, one dollar and fifty cents (\$1.50). For serving any execution, ten cents (10c) for every dollar collected up to fifty dollars (\$50.00), and five cents (5c) for every dollar over fifty dollars (\$50.00). For serving any subpoena, ten cents (10c) for each witness. For every mile of travel, more than one, in serving any process, five cents (5c). For taking care of any property seized under an attachment, his reasonable and necessary expenses”.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 230

[S. B. No. 76.]

AN ACT TO AMEND SECTION 38 OF ACT 115 OF THE SESSION LAWS OF 1917, RELATING TO INSURANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 38 of Act 115 of the Session Laws of 1917 is hereby amended so as to read as follows:

“Section 38. Surplus lines license; taxes; violations.

(1) A “surplus lines” license expiring on the fifteenth day of April next following its date, shall be issued by the commissioner to any regularly licensed agent, authorizing him in accordance with the provisions of this section to act as agent for any foreign insurance company or companies, not authorized to transact business in this Territory, in issuing policies of insurance on risks therein, when:

(a) Such agent has executed and delivered to the commissioner a bond in the penal sum of two thousand dollars (\$2,000.00) in such form and with such sureties as the commissioner shall approve, conditioned that he will fully comply with all the requirements of this section;

(b) The annual fee of twenty-five dollars (\$25.00) has been paid to the commissioner.

(2) Before the person named in such license shall procure, effect or issue any such insurance, he shall in every case, execute and file with the commissioner, his affidavit that the insured is unable to procure in any companies admitted to do business in this Territory the insurance or the amount of insurance, as the case may be, necessary to protect the property or other risk described in such affidavit.

(3) Such surplus line insurance shall be issued only after the insured has procured insurance in companies admitted to do business in this Territory to the full amount which such companies are willing to write on such risk. Every policy issued under this section shall be endorsed “Issued in an unauthorized company, under agents’ license No. . . .”, which indorsement shall be properly filled in and signed by the agent.

(4) Every such agent shall keep a separate account of the business done under his surplus line license and on or before the fifteenth day of April in each year shall file with the commissioner,

a statement for the calendar year preceding, giving the name of the insured, to whom each policy granting such unauthorized insurance has been issued, the name and home office of each company issuing any such policy, the amount and character of such insurance, the gross premium charged therein, the date and term of the policy, the location of the insured property in case of insurance covering any property in this territory, and the amount of premium returned on each policy cancelled or not taken, with such other information and upon such form as required by the commissioner, and to pay to the treasurer, through the commissioner, an amount equal to four per centum of such gross premiums, less such return premiums so reported, and, in default of payment the commissioner shall sue for the amount due in any court in this territory having jurisdiction.

(5) For the purpose of the insurance law, insurance written under this section shall not be held or considered to be unauthorized insurance.

(6) Any such "surplus line" licenses may be suspended or revoked in the same manner and for the same causes as ordinary agents' licenses and with the same effect and consequences."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 231

[S. B. No. 151.]

AN ACT TO AMEND SECTION 1861 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO THE HONOLULU WATER AND SEWER WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The second paragraph of Section 1861 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"In whole or partial fulfillment of its obligations under subdivisions (2) and (3) of this section, said city and county shall pay to the Territory on July 1st and January 1st of each year, interest upon said sum of one million four hundred ninety-four

thousand six hundred eleven and 33/100 dollars (\$1,494,611.33), at the rate of four per cent (4%) per annum, and also such sum or sums each year, after July 1, 1916, for the term of thirty (30) years, that the aggregate of the sums so paid will, compounded annually at the rate of four per cent (4%) per annum, equal at the expiration of such term of thirty (30) years, the sum of one million four hundred ninety-four thousand six hundred eleven and 33/100 dollars (\$1,494,611.33), and may so pay to the Territory in any year any additional sum on account of said principal sum of one million four hundred ninety-four thousand six hundred eleven and 33/100 dollars (\$1,494,611.33)."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 232

[S. B. No. 158.]

AN ACT APPROPRIATING BY WAY OF ADVANCEMENT THE SUM OF THREE THOUSAND DOLLARS (\$3,000.00) FOR THE CONSTRUCTION OF ROADS IN THE PAPAALOA HOMESTEAD TRACT, NORTH HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand dollars (\$3,000.00) is hereby appropriated to be paid out of any money in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads in the Papaaloa Homestead Tract, North Hilo, County of Hawaii.

SECTION 2. The said sum of three thousand dollars (\$3,000.00) hereby appropriated, shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of such roads.

SECTION 3. The sum hereby appropriated or so much thereof as may be expended, shall be repaid into the general fund of the

territorial treasury from the proceeds of sales of public lands on the Island of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 233

[S. B. No. 28.]

AN ACT TO AMEND SECTION 1246 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 112 OF THE SESSION LAWS OF 1915, ACT 222 OF THE SESSION LAWS OF 1917, ACT 24 OF THE SPECIAL SESSION LAWS OF 1920 AND ACT 73 OF THE SESSION LAWS OF 1921, CONCERNING PROPERTY EXEMPT FROM TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1246 of the Revised Laws of Hawaii, 1915, as amended by Act 112 of the Session Laws of 1915, Act 222 of the Session Laws of 1917, Act 24 of the Special Session Laws of 1920 and Act 73 of the Session Laws of 1921, is hereby amended by adding thereto the following paragraphs reading as follows:

“All that land at Kaleipohaku, Kaimuki, City and County of Honolulu, held for the use of St. Louis College, shall be exempt from taxation; provided, however, that this land is used for no other purpose than that of education”.

“All property, both real and personal, belonging to and actually used by the Maui Aid Association of the County of Maui, shall be exempt from taxation”.

“All property, both real and personal, belonging to and actually used by the Alexander House Settlement Association of the County of Maui, shall be exempt from taxation”.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 234

[S. B. No. 111.]

AN ACT REPEALING SECTION 1842 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO BARBED WIRE FENCES ALONG HIGHWAY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1842 of the Revised Laws of Hawaii, 1915, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 235

[S. B. No. 112.]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICT OF HANA, ON THE ISLAND AND COUNTY OF MAUI, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Franchise. A. F. Tavares, of Haiku, District of Makawao, County of Maui, Territory of Hawaii, his associates, successors and assigns, or such corporations as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the District of Hana, on the Island of Maui, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and, from time to time, for the purposes above mentioned, subject to the approval

and supervision of the board of officials having charge of said streets, or roads, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District of Hana, on the Island of Maui, and to connect the said wires, lines and conductors, with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object with the place of supply.

SECTION 2. Rules and Regulations. That the board of supervisors of the County of Maui is hereby authorized to make, and from time to time to change, amend or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If at any time the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the County of Maui, after giving the association reasonable notice thereof, in writing, of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus and make such repairs as may be necessary to enforce such rules, and the reasonable charges therefor may be recovered from the association by the County of Maui.

SECTION 3. Poles not to interfere with streets, etc. All poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other apparatus constructed, maintained or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said district, on the Island of Maui, shall be so constructed and maintained and operated by the association, as not to unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books, and accounts of the association shall at all

times be subject to the inspection of the public utilities commission of the Territory of Hawaii, and the treasurer of the County of Maui.

SECTION 5. Meters, charges, reasonableness how determined. The association shall also have the right to maintain, use and operate electric meters, or other means for measuring electric light, power or current supplied from time to time, and to locate the same at such places as may be deemed necessary, for determining the current supplied or to be supplied by the association; and also to charge, receive and collect from all consumers of electricity, such reasonable prices as may be from time to time fixed and determined by the association.

SECTION 6. Charges for making connections. The association shall also have the right, subject to the approval of the public utilities commission, to charge consumers, or applicants for the use of electricity, for the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections; provided, however, that the said association shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power, unless the applicant therefor, if required, shall deposit in advance with them, a sum of money sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the period of one month.

SECTION 7. Right to acquire property, limits to. The association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, as may be necessary or incidental to the proper conduct of his or their business; but he or they shall not have the power or right to purchase franchises and property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 8. Power to borrow money and bonds. The association, whenever from time to time it shall be deemed expedient in the furtherance of the objects for which this franchise is granted, shall have the power to borrow money, and to secure the payment thereof, with the interest agreed upon, by the mortgage of any or all of its property connected therewith, and all franchises and privileges granted or obtained by virtue of this Act, or if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty per cent of the actual value

thereof, and all future property acquired, as well as the income and receipts of the property from whatever source derived and in such form and under such terms as he or they shall deem advisable, provided that nothing in this section contained shall operate to prevent the association from obtaining the usual business credits, and to make promissory notes without security.

SECTION 9. Franchise not exclusive. It is hereby expressly provided that nothing herein contained shall be so constructed to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such law establishing a public utilities commission and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Maui, or its successor.

SECTION 10. Forfeiture of franchise. It is provided, that if the said association shall fail or refuse to do or perform or comply with any of the provisions of this Act, or the laws of the Territory of Hawaii, or of the County of Maui, or the rules promulgated under Section 2 of this Act, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the public utilities commission, or any proper county or municipal officer or board, said officer or board may, with the consent of the Governor and of the attorney general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

SECTION 11. Annual statement, payment to government. The association shall, within one month after the expiration of each year, file with the treasurer of the County of Maui, a statement showing the gross receipts from the sale of electric current for light and power furnished by it during such year, and shall, at the same time, pay to the treasurer of the County of Maui for and on behalf of said county, two and one-half per centum of the gross receipts from all electric current for light or power furnished to consumers during the year preceding.

SECTION 12. All property, of every kind and nature, forming or used as a part of such electric system, including this franchise, shall be exempt except as provided in Section 11, from any and all taxes under the Territory of Hawaii, until the expiration of five (5) years from and after the commencement of the construction of buildings, or other works for manufacturing and supplying electricity.

SECTION 13. Franchise subject to reasonableness, public utilities commission. This franchise and the person or corporations holding the same shall be subject as to reasonableness of rates, prices and charges, and in all other respects, to the provisions of Chapter 128 of the Revised Laws of Hawaii, 1915, creating a public utilities commission, and all amendments thereof, for the regulation of the public utilities in said territory.

SECTION 14. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of the same; provided that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 15. The right hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other work for manufacturing or supplying electric current for light or power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places, for the purpose of conducting electric current for light and power, and shall actually have expended in such work a sum not less than five thousand dollars (\$5,000.00) within one year from and after the date of the approval of this Act by the Congress of the United States.

SECTION 16. That the Territory of Hawaii, the County of Maui, or any political subdivision thereof, may, at any time and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by the public utilities commission, but such amount shall in no case exceed the actual cost or the actual value of the taxable property, or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The values of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of Hawaii from the decision of such commission

by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the value claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance, but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 17. Franchise subject to amendment or repeal. The Congress of the United States, or the legislature of the Territory of Hawaii, may at any time alter, amend or repeal this Act.

SECTION 18. This Act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of congress to be secured within two years from the date of such approval by the Governor.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 236

[S. B. No. 120.]

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND FOUR HUNDRED SEVENTY-FOUR DOLLARS AND TWENTY-EIGHT CENTS (\$2,474.28) FOR THE REIMBURSEMENT OF WAIKEA MILL COMPANY FOR ADVANCES PERTAINING TO THE 1921 CROP OF SUGAR CANE GROWN ON LOT 714-B, WAIKEA HOMESTEADS, SOUTH HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand four hundred seventy-four dollars and twenty-eight cents (\$2,474.28) is hereby appropriated out of any money in the treasury of the territory received from the sales of public lands on the Island of Hawaii, for the purpose of refunding to Waiakea Mill Company, the amount of its claim for advances pertaining to the 1921 crop of sugar cane grown on Lot 714-B, Waiakea Homesteads, South Hilo, Hawaii.

SECTION 2. The auditor of the territory shall issue a warrant in favor of the Waiakea Mill Company for the amount stated in Section 1 of this Act, upon the filing of an itemized statement of its claim.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 237

[S. B. No. 122.]

AN ACT TO AMEND CHAPTER 80 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PHARMACY, BY AMENDING SECTIONS 1052, 1054, 1055, 1056, 1057, 1059 AND 1061 THEREOF; BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 1067A; AND BY REPEALING SECTIONS 1058, 1063, 1064 AND 1065 THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1052 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1052. License required. It shall be unlawful for any person not licensed as a pharmacist within the meaning of this chapter to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for any person not licensed as a pharmacist or assistant pharmacist within the meaning of this chapter to compound, dispense or sell at retail any drug, chemical or poison upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this chapter. And it shall be unlawful for any owner or manager of a pharmacy, or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell, at retail, any drug, medicine or poison, except as an aid to or under the immediate supervision of a person licensed as a pharmacist or assistant pharmacist, or a duly licensed physician.

It shall also be unlawful for any person not licensed as a pharmacist within the meaning of this chapter to conduct, manage, have or maintain any store, shop, or other place of business having over, upon or connected therewith any sign containing any of the words or names "Drug Store, Pharmacy, Drugs and Medicines, Drugs or Medicines", in any language, or to advertise in any language that such person is conducting, managing, having or maintaining any store, shop or other place as a pharmacy or drug store, or where drugs and medicines, or drugs or medicines are sold or compounded, unless a licensed pharmacist within the meaning of this chapter is in charge. Provided, however, that nothing in this section shall be construed to interfere with any legally licensed practitioner of medicine or dentistry in

the compounding of his own prescriptions, or to prevent him from supplying his patients such medicines as he may deem proper, nor with the selling of non-poisonous domestic remedies, nor with the selling of patent or proprietary preparations which do not contain poisonous ingredients".

SECTION 2. Section 1054 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1054. Same. Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, chemical or poison, upon any physicians' prescription or otherwise, or shall compound any physicians' prescription except as an aid to or under the immediate supervision of a person licensed as a pharmacist under this chapter contrary to the provisions of Section 1052, or whoever shall violate any other of the provisions of Section 1052, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than two hundred and fifty dollars or be imprisoned at hard labor not more than two months".

SECTION 3. Section 1055 of the Revised Laws of Hawaii, 1915, as amended by Act 17 of the Session Laws of 1917, is hereby amended to read as follows:

"Section 1055. Board, appointment, removal. There shall be appointed by the Governor, in the manner provided in Section 80 of the Organic Act, a board of pharmacy, which shall consist of three members, one of whom shall be designated by the governor as chairman, all of whom shall be competent licensed pharmacists and residents of the Territory of Hawaii, and who shall hold office for two years, except in the case of appointments made to fill out unexpired terms, and who shall be subject to removal by the Governor, in the manner provided in Section 80 of the Organic Act. The members of said board shall serve without pay".

SECTION 4. Section 1056 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1056. Meetings, quorum. The board shall hold at least two meetings in each year, and such additional meetings as may be necessary for the examination of applicants for licenses under this chapter. All such meetings shall be held in Honolulu. The majority of the board shall constitute a quorum".

SECTION 5. Section 1057 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1057. Application, fee. Every person who shall desire to be licensed as a pharmacist or assistant pharmacist shall file with the chairman of the board, a written application fully verified by oath, setting forth the name, age and nationality of the applicant, the place or places at which, and the time spent by the applicant in the study of the science and art of pharmacy, and the experience in the compounding of physicians' prescriptions which the applicant has had under the direction of a legally licensed pharmacist. Such applicant shall, at the time of filing said application, pay to the chairman of the board a fee of fifteen dollars, which in no case shall be refunded".

SECTION 6. Section 1059 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1059. Examinations. The board shall fix the times and places for examination of applicants, which shall be at least twice a year, and shall examine in open meeting every applicant for a license as pharmacist or assistant pharmacist who shall have made application for such license and paid the fee of fifteen dollars (\$15.00)."

SECTION 7. Section 1061 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1061. Issuance of license, temporary license, fee. The board shall issue a license to practice as a pharmacist or as an assistant pharmacist to any applicant of good moral character, who has complied with the requirements of Section 1060, and may issue licenses to practice as pharmacists or assistant pharmacists, without examination, to such persons as have been legally registered or licensed as pharmacists or assistant pharmacists in any state or territory, provided that the applicant shall present satisfactory evidence of the same qualifications as are required from licentiates under this chapter, and that any such applicant was registered or licensed by examination in such state or territory, and that the standard of competence required in such state or territory is not lower than that required in this territory; provided also that the board is satisfied that the laws of such state or territory accord similar recognition to the licentiates of this territory.

The board may examine any applicant orally and in writing, and issue a temporary license to practice pharmacy, which shall be good for a period not to exceed six months from its date. The issuance of such a temporary license shall not entitle the holder thereof to a permanent license, and no permanent license shall be issued to such holder until he passes a satisfactory examination by the board. Only one temporary license shall be issued to the

same applicant, and no temporary license shall be granted to any person whose application has been denied by the board. For the issuance of any such license the board shall receive the sum of five dollars (\$5.00).

The board shall not issue any license to any applicant who has been convicted of a felony, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy, or who fails to pass a satisfactory examination, or whose license has previously been revoked.

All licenses, except temporary licenses, issued by the board shall remain in force for a period of one year from the date thereof, unless revoked; and within thirty (30) days after the expiration thereof the licensee must cause the same to be renewed. The fee for each renewal shall be two dollars (\$2.00) and shall be paid before the same is renewed.

All licenses heretofore issued by the board shall expire on December 31, 1923.

Any license issued by the board shall authorize the licensee to practice as a pharmacist or as an assistant pharmacist (as the case may be) in any part of the territory.

All fees collected under this chapter shall be deposited by the board with the territorial treasurer, and shall be by him held as a special fund for meeting the expenses of the board and shall be disbursed on warrants of the auditor upon vouchers approved by the chairman of the board".

SECTION 8. A new section is hereby added to Chapter 80 of the Revised Laws of Hawaii, 1915, to be known as Section 1067A, and to read as follows:

"Section 1067A. The board shall be authorized to call upon the board of health of the territory, the high sheriff or his deputies, or the sheriff or any deputy sheriff or police officer of any county or city and county for assistance in any inspections under this chapter or in enforcing any of the provisions thereof".

SECTION 9. Sections 1058, 1063, 1064 and 1065 of the Revised Laws of Hawaii, 1915, are hereby repealed.

SECTION 10. This Act shall take effect on January 1st, 1924.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTCN,
Governor of the Territory of Hawaii.

ACT 238

[S. B. No. 164.]

AN ACT AUTHORIZING AND EMPOWERING THE CITY AND COUNTY OF HONOLULU TO PROVIDE FUNDS FOR THE ERECTION AND EQUIPMENT OF A FIRE STATION IN THE KEWALO AND KAKAAKO DISTRICTS, HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and empowered to appropriate and expend out of its general and/or permanent improvement fund the sum of thirty thousand dollars (\$30,000.00), or so much thereof as may be necessary, for the erection and completion of a fire station at and in Kewalo and/or Kakaako, City and County of Honolulu, including the necessary equipment for such fire station.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 239

[S. B. No. 168.]

AN ACT AMENDING SECTION 3280 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO RENEWALS OF CHARTERS AND ARTICLES OF ASSOCIATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3280 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 3280. The treasurer shall also have the power at any time not more than fifteen years prior to the expiration of any charter or articles of association to renew the same or extend the duration of the same on application to him for that purpose by two-thirds of the stockholders of such company and a satis-

factory explanation to him of the state of its affairs; provided, however, that such renewal or extension together with the unexpired term of said charter or articles of association does not exceed a total of fifty years from and after the date of such renewal or extension".

SECTION 2. All extensions and renewals of charters and articles of association heretofore granted are hereby ratified and confirmed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 240

[H. B. No. 13.]

AN ACT AMENDING SECTION 2294 OF THE REVISED LAWS OF HAWAII, 1915, AND ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 2287A, RELATING TO JUVENILE COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2294 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2294. Probation officers. It shall be the duty of every circuit judge and district magistrate in the territory, except in the first circuit, to appoint not less than three (3) probation officers in the circuit or district in which he has jurisdiction, and in the first circuit the judge of the court of domestic relations may appoint not less than three (3) probation officers in addition to those already authorized by law; all probation officers so appointed shall serve without pay. Within the scope of their duties any of the probation officers so appointed shall have the powers and privileges of a police officer".

SECTION 2. Chapter 132 of the Revised Laws of Hawaii, 1915, relating to juvenile courts, is hereby amended by adding a new section to be known as Section 2287A, and to read as follows:

"Section 2287A. Any circuit judge before whom a dependent child is tried and for the sole reason of dependency is caused to be sent to the Industrial School for Boys or the Industrial School for Girls, may recall the child before him, and shall dispose of the cause again, if in the opinion of the judge the welfare of the child and the public interests so require".

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 241

[H. B. No. 216.]

AN ACT TO AMEND SECTION 2198 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO THE SALARIES OF DISTRICT MAGISTRATES AND CERTAIN CLERKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2198 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended so that lines 6, 12, 14 and 15 thereof shall read as follows:

	Per Month	Per Annum
6. District Magistrate, Honolulu...	\$ 400.00	\$4,800.00
12. District Magistrate, Waianae . . .	100.00	1,200.00
14. District Magistrate, Koolauloa...	100.00	1,200.00
15. District Magistrate, Koolaupoko.	100.00	1,200.00."

SECTION 2. This Act shall take effect from July 1, 1923.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 242

[H. B. No. 231.]

AN ACT TO REIMBURSE CONEY AND MORRIS FOR THE LOSSES SUSTAINED IN CARRYING OUT THE TERMS OF A CONTRACT ENTERED INTO BY THE SUPERINTENDENT OF PUBLIC WORKS OF THE TERRITORY OF HAWAII, FOR THE RECONSTRUCTION OF A WHARF AT HANALEI, COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon a warrant drawn by the auditor of the territory in the sum of twenty-six hundred sixty dollars (\$2,660.00) to Coney and Morris, for the purpose of reimbursing said Coney and Morris, for the losses sustained in carrying out the terms of a certain contract entered into with the superintendent of public works of the Territory of Hawaii, on or about April 3, 1922, for the reconstruction of a reinforced concrete wharf at Hanalei, County of Kauai, Territory of Hawaii.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 243

[H. B. No. 307.]

AN ACT TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF SCHOOL TEXT BOOKS IN THE HAWAIIAN LANGUAGE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues and set aside in the treasury as a special fund the sum of two thousand dollars (\$2,000.00) for the preparation, printing, binding and publication of school text books in the Hawaiian language, which shall be expended by and under the direction of

the governor, whose duty it shall be to supervise the work of preparing and publishing such books, to determine the number of copies to be printed or bound and the prices at which they may be sold, and the governor is authorized to make contracts on a royalty basis, with publishing firms for the printing, binding and publication of said school text books.

SECTION 2. All moneys received under the provisions of this Act shall be paid into the treasury of the territory as a government realization.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 244

[H. B. No. 358.]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO MAKE AN APPROPRIATION FOR THE PURCHASE OF THE HUGHES RESIDENCE FOR A SHELTER HOME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to purchase the John Hughes residence situate at number 1221 N. King Street, City and County of Honolulu, for a Shelter Home for juveniles, and to appropriate and pay therefor, not more than the sum of twenty thousand dollars (\$20,000.00).

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 245

[H. B. No. 395.]

AN ACT TO PROVIDE DAMAGES FOR WRONGFULLY CAUSING THE DEATH OF ANOTHER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. When the death of a person is caused by the wrongful act or neglect of another, any person who was wholly or partly dependent upon such decedent and who has no remedy for compensation under the provisions of Act 221 of the Session Laws of Hawaii, 1915, as amended, may maintain an action for damages against the person causing the death, or if such person so liable was then employed by another person who is responsible for his conduct, then also against such employer. In every action under this section such damages may be given as under all the circumstances may be just. Such action must be commenced within one year after the injury which caused the death.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 246

[H. B. No. 410.]

AN ACT TO AMEND SECTIONS 175 AND 178 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO CERTIFICATES OF HAWAIIAN BIRTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 175 of Chapter 20 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 175. Issuance; procedure. The secretary of Hawaii may, whenever satisfied that any person was born within the Hawaiian Islands, cause to be issued to such person a certificate showing such fact. The secretary, with the approval of the gov-

ernor, may make such regulations respecting the form of application and certificates, the method of proof, kind of evidence and time, place and manner of hearing, and all other matters and circumstances connected with such application, proof and hearing as to him may appear necessary and such regulations, when so approved and published once a week for three successive weeks in a newspaper of general circulation published in the territory, shall have the force of law, and such publication shall be deemed legal notice to all persons. The secretary may furnish the form of such applications and certificates. All applications shall be by sworn petition, in which the party shall set forth circumstantially all the facts upon which his application rests, and shall be accompanied by sworn affidavits of witnesses.

The secretary and such persons as he may designate and appoint may examine under oath, any applicant or person cognizant of the facts regarding any application, and for that purpose he and they may administer oaths, subpoena and compel the attendance of witnesses and the production of books and papers, punish for contempts and, generally, to exercise the same authority with regard to their special jurisdiction as is by law conferred on district magistrates.

It shall be the duty of such agents to personally examine all applicants for birth certificates before presenting the same to the secretary and to personally perform all the duties in regard to the proper preparation of an application, without any aid from any capper or runner.

The secretary of the territory shall appoint not more than the following number of such agents on the following named islands:

Island of Hawaii.....	two agents
Island of Maui	two agents
Island of Oahu	four agents
Island of Kauai	one agent."

SECTION 2. Section 178 of the Revised Laws of Hawaii, 1915, as amended by Act 30 of the Session Laws of 1921, is hereby amended to read as follows:

"Section 178. Fees shall be charged in connection with the issuance of such certificates as follows: For the filing of each application for a certificate a fee of two dollars and fifty cents (\$2.50); for the issuance of any such certificate a fee of two dollars and fifty cents (\$2.50); for certified copies of such certificates a fee of one dollar (\$1.00) for each such certificate, and a charge

of fifty cents (50c) for each one hundred words contained in such certificate."

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 247

[S. B. No. 19.]

AN ACT TO PROVIDE ADDITIONAL TAXATION FOR KOHALA HOSPITAL AND EQUIPMENT, KOHALA, HAWAII, IN THE COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the third taxation division shall add to the tax rate on real and personal property in said taxation division for the year 1924, in addition to the rate provided for by any other law to an extent sufficient to provide the sum of thirty thousand dollars (\$30,000.00) which amount shall be paid over by the treasurer of the Territory of Hawaii, when collected, to the treasurer of the County of Hawaii, to be held by the latter in a special fund to be used for the erection of buildings and purchase of equipment for the Kohala Hospital, County of Hawaii.

SECTION 2. All moneys available in the treasury of the County of Hawaii under this fund shall from time to time be appropriated and spent for the above purpose under the direction of the board of supervisors according to law.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 248

[S. B. No. 80.]

AN ACT AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS TO INCREASE THE WIDTH OF THE WAIKIKI DRAINAGE CANAL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The superintendent of public works is hereby authorized, with the approval of the governor, to increase the width of the Waikiki Drainage Canal from one hundred fifty (150) feet as now laid out, up to, and not to exceed, two hundred fifty (250) feet.

Provided, first, that the full length of the canal be completed before the same is widened, and second, that all territorial and private land within the Waikiki Drainage District be filled to grade before any of the dredged material be used for any other land in the district or outside of the district.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 249

[S. B. No. 95.]

AN ACT TO AMEND ACT 221 OF THE SESSION LAWS OF HAWAII, 1915, ENTITLED "AN ACT RELATING TO COMPENSATION TO EMPLOYEES FOR PERSONAL INJURIES SUSTAINED IN THE COURSE OF THEIR EMPLOYMENT", AS AMENDED BY ACT 227 OF THE SESSION LAWS OF HAWAII, 1917, BY AMENDING SEC- TIONS 5, 12, 13, 14, 21, 37, 38 AND 52 THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 5 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 5. When any injury for which compensation is payable under this Act shall have been sustained under circumstances

creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this Act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this Act any employer having paid the compensation or having become liable therefor shall be subrogated to the rights of the injured employee to recover against that person, provided, if the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this Act, then any such excess shall be paid to the injured employee, or other person entitled thereto, less the employer's expenses and costs of action. The amount of compensation paid by the employer, or the amount of compensation to which the injured employee or his dependents is entitled, shall not be admissible in evidence in any action brought to recover damages".

SECTION 2. Section 12 of Act 221 of the Session Laws of Hawaii, 1915, as amended by Act 227 of the Session Laws of Hawaii, 1917, is hereby amended to read as follows:

"Section 12. Medical attendance. Immediately after an injury sustained by an employee and during the resulting period of disability, the employer shall furnish to such employee such medical, surgical and hospital services and supplies as the nature of the injury may require.

The pecuniary liability of the employer for medical, surgical and hospital services and supplies required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living, when such treatment is paid for by the injured person.

In the event of the failure of the employer promptly to provide such medical, surgical and hospital service and supplies, the injured employee may secure the same at the expense of the employer.

If it shall appear to the board that the injured employee has wilfully refused to accept the services of a competent physician or surgeon or has wilfully refused the medical, surgical and/or hospital services and supplies provided by the employer or has wilfully obstructed any such physician or surgeon or medical, surgical and/or hospital services the board may in its discretion construe such refusal on the part of the employee to be a waiver by him in whole or in part of his right to medical, surgical and/or hospital services and supplies".

SECTION 3. Section 13 of Act 221 of the Session Laws of Hawaii, 1915, as amended by Act 227, Session Laws of Hawaii, 1917, is hereby amended to read as follows:

"Section 13. Total disability. Where the injury causes total disability for work, the employer, during such disability, but not including the first seven days thereof shall pay the injured employee a weekly compensation equal to sixty per centum (60%) of his average weekly wages, but not more than twenty dollars (\$20.00) nor less than five dollars (\$5.00) a week, except as in the next succeeding paragraph provided. In no case shall the weekly payments continue after the disability ends, nor longer than three hundred and twelve weeks, nor shall the amount of compensation paid in any case exceed in the aggregate the sum of five thousand dollars (\$5,000.00). But no adjudication of permanent disability shall be made until after two weeks from the date of injury.

In case of an employee whose average weekly wages are less than five dollars (\$5.00) a week the weekly compensation shall be the full amount of such average weekly wages, but where the disability is permanent the weekly compensation in such cases shall be five dollars (\$5.00). In case the total disability begins after a period of partial disability, the period of partial disability shall be deducted from the aforesaid total period of three hundred and twelve weeks.

In the case of the following injuries the disability caused thereby shall be deemed total and permanent, to wit:

1. The total and permanent loss of sight in both eyes;
2. The loss of both feet at or above the ankle;
3. The loss of both hands at or above the wrist;
4. The loss of one hand and one foot;
5. An injury to the spine resulting in permanent and complete paralysis of both legs or of both arms or of one leg and one arm;
6. An injury to the skull resulting in incurable imbecility or insanity.

The above enumeration is not to be taken as exclusive".

SECTION 4. Section 14 of Act 221 of the Session Laws of Hawaii, 1915, as amended by Act 227 of the Session Laws of Hawaii, 1917, is hereby amended to read as follows:

"Section 14. (a) Partial disability. Where the injury causes partial disability for work, the employer, during such disability and, except as hereinafter in this paragraph provided, for a period of three hundred and twelve weeks beginning with the first day of disability, shall pay the injured workman a weekly compensation equal to fifty per centum (50%) of the difference between his average weekly wages before the accident and the weekly

wages he will most probably be able to earn thereafter, but not more than twelve dollars (\$12.00) a week. In no case shall the weekly payments continue after the disability ends, and in case the partial disability begins after a period of total disability the period of total disability shall be deducted from such total period of three hundred and twelve weeks, nor shall the amount of compensation paid in any case exceed in the aggregate the sum of five thousand dollars (\$5,000.00). But no adjudication of disability shall be made until after two weeks from the date of injury.

(b) Permanent partial disability. In case of disability partial in character but permanent in duration the compensation shall be fifty per centum (50%) of the average weekly wages and shall be paid to the employee for the period named in the schedule as follows:

Thumb. For the loss of a thumb, sixty weeks;

First Finger. For the loss of a first finger, commonly called index finger, forty-six weeks;

Second Finger. For the loss of a second finger, thirty weeks;

Third Finger. For the loss of a third finger, twenty-five weeks.

Fourth Finger. For the loss of a fourth finger, commonly called the little finger, fifteen weeks;

Phalanx of thumb or finger. The loss of the first phalanx of the thumb or finger shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be one-half of the amount above specified for loss of such thumb or finger. The loss of more than one phalanx of the thumb or of any finger shall be considered as the loss of the entire thumb or finger; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

Great toe. For the loss of a great toe, thirty-eight weeks;

Other toes. For the loss of one of the toes other than the great toe, sixteen weeks;

Phalanx of toe. The loss of the first phalanx of any toe shall be considered to be equal to the loss of one-half of said toe; and the compensation shall be one-half of the amount specified for the loss of such toe. The loss of more than one phalanx of any toe shall be considered as the loss of the entire toe;

Hand. For the loss of a hand, two hundred and forty-four weeks;

Arm. For the loss of an arm, three hundred and twelve weeks;

Foot. For the loss of a foot, two hundred and five weeks.

Leg. For the loss of a leg; two hundred and eighty-eight weeks;

Eye. For the loss of an eye, one hundred and twenty-eight weeks;

Ear. For the permanent and complete loss of hearing in both ears, three hundred and twelve weeks. For the permanent and complete loss of hearing in one ear, sixty weeks. For the loss of both ears, one hundred and twenty-eight weeks. For the loss of one ear, sixty weeks.

Loss of use. Permanent loss of the use of hand, arm, foot, leg, eye, thumb, finger, toe or phalanx, shall be considered as equivalent to and draw the same compensation as the loss of such hand, arm, foot, leg, eye, thumb, finger, toe or phalanx.

In cases of permanent partial disability due to injury to a member named in this schedule, resulting in less than total loss of such member or in less than total loss of use thereof, and where such disability is not otherwise compensated in this schedule, compensation shall be paid at the rate prescribed in this schedule for the total loss of or the total loss of use of such member, and for a period to be determined as follows: The percentage of permanent partial disability to total disability for the same member in said schedule shall be determined and the compensation hereinabove prescribed shall be paid for such portion of the period hereinabove prescribed for total loss or total loss of use of such member, as such percentage of disability bears to total disability of said member.

Amputation. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of a leg.

The compensation for the foregoing specific injuries shall be in lieu of all other compensation, except the benefits provided in Sections 12 and 13 of this Act; provided, however, that payments of compensation under this section shall not commence until after the period of total and/or partial disability shall have terminated.

In case of an injury resulting in serious facial or head disfigurement the board may, in its discretion, make such award or compensation as it may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed five thousand dollars (\$5,000.00).

Other cases. In all other cases in this class of disability the compensation shall be fifty per centum (50%) of the difference between his average weekly wages and his wage earning capacity thereafter in the same employment or otherwise, payable dur-

ing the continuance of such partial disability, but subject to reconsideration of the degree of such impairment by the board on its own motion or upon application of any party in interest; provided, however, that in no case under this paragraph shall the weekly payments continue for a longer period than three hundred and twelve weeks.

The total compensation under this section and the total compensation under Section 13 of this Act, taken together, shall not exceed in the aggregate the sum of five thousand dollars (\$5,000.00)".

SECTION 5. Section 21 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 21. No proceedings under this Act for compensation for an injury shall be maintained unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to such injury shall have been made within three months after the date of the injury, or in case of death, then within three months after such death, whether or not a claim had been made by the employee himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one on his behalf. If medical, surgical or hospital services and supplies have been provided voluntarily by the employer or his insurance carrier the giving of a notice of the injury within the aforesaid period shall not be required, and if payments of compensation shall have been made voluntarily by the employer or his insurance carrier the making of a claim within the aforesaid periods shall not be required".

SECTION 6. Section 37 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 37. The board may at any time, either of its own motion or upon the application of any party, reopen any case on the ground that fraud has been practiced on the board or on any party and make such award or decision as it shall deem proper.

On the application of any party on the ground of a change of condition, the board may at any time, but not oftener than once in six months, review any agreement or award, and on such review may make an award ending, diminishing or increasing the compensation previously agreed upon or awarded subject to the maximum and minimum provided in this Act, and shall, in all cases under this section, state its conclusions of fact and rulings

of law, and immediately send to the parties a copy of its award or decision, but this paragraph shall not apply to a commutation of payments under Section 18."

SECTION 7. Section 38 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 38. Appeals from board. An award of the board shall be final and conclusive between the parties except as provided in Section 37, unless within twenty (20) days after a copy has been sent to the parties, either party appeals to the circuit court of the circuit in which said board is located. In the County of Hawaii, the circuit court shall be that of the fourth circuit. In all cases of appeal the board shall be notified of the pendency thereof by the clerk of the court in which the proceedings are pending, and no compromise shall be effected in any such appeal until after the board shall have been notified by said clerk of the proposed terms thereof, and shall have had an opportunity to be heard relative thereto.

The right of a trial by jury shall be deemed to be waived unless claimed within ten (10) days from the date such appeal is entered. Said court may, by proper rules, prescribe the procedure to be followed in the case of such appeals.

The board may certify questions of law to the supreme court of the territory for its determination".

SECTION 8. Section 52 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 52. Cancellation of insurance contracts. No policy or contract of insurance or guaranty issued by a stock company or mutual association against liability arising under this Act shall be cancelled within the time limited in such contract for its expiration until at least ten days after notice of intention to cancel such contract, on a date specified in such notice, shall have been filed with and served on the board and the employer".

SECTION 9. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 250

[S. B. No. 106.]

AN ACT TO REIMBURSE HOMESTEAD PLANTATION COMPANY, LIMITED, AND JUSAKU NAKAMURA FOR INCOME TAXES IMPROPERLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of eight hundred forty-nine and 69/100 dollars (\$849.69) out of any moneys in the treasury received from the general revenues of the Territory of Hawaii, to be paid as follows:

To Homestead Plantation Company, Limited, to reimburse it for the taxes paid during the year 1921 by it upon income not earned by said corporation	\$836.74
To Jusaku Nakamura to reimburse him for taxes collected from him in error during the year 1922. \$ 12.95	

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 251

[S. B. No. 128.]

AN ACT TO APPROPRIATE THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FOR THE TRANSFER OF THE PRISONERS, OVERSEERS, BUILDINGS AND EQUIPMENT NOW AT KEAMOKU, DISTRICT OF SOUTH KOHALA, COUNTY OF HAWAII, TO WAIPIO, DISTRICT OF HAMAKUA, IN THE SAME COUNTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Pursuant to Senate Concurrent Resolution No. 3, adopted by the Legislature of the Territory of Hawaii, April 27, 1921, and Section 1465 of the Revised Laws, 1915, there is here-

by appropriated the sum of seven thousand five hundred dollars (\$7,500.00) for the purpose of transferring from Keamoku, District of South Kohala, County of Hawaii, to Waipio, District of Hamakua, in the same county, all the prisoners and their overseers now at Keamoku, and the buildings and entire equipment in use by them at Keamoku.

SECTION 2. The sum herein appropriated shall be expended upon vouchers approved by the attorney general.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 252

[S. B. No. 90.]

AN ACT FOR THE RELIEF OF JOHN GRACE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand four hundred dollars (\$1,400.00) is hereby appropriated from the general revenues of the Territory for the purpose of reimbursing John Grace for a certified check submitted by him to the board of harbor commissioners on a bid for lumber, which check was deposited with the treasurer of the Territory by the superintendent of public works, in the amount of one thousand four hundred dollars (\$1,400.00).

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

TRANSFER MANAGEMENT OF LAHAINALUNA [ACT 253

SCHOOL.

320 RELIEF OF PERSONS DAMAGED BY DREDGING. [ACT 254

ACT 253

[S. B. No. 171.]

AN ACT CONCERNING THE TRANSFER OF THE MANAGEMENT OF LAHAINALUNA SCHOOL TO THE DEPARTMENT OF PUBLIC INSTRUCTION AND REPEALING ACT 100 OF THE SESSION LAWS OF 1917—AS AMENDED BY ACT 160 OF THE SESSION LAWS OF 1919 AND ACT 207 OF THE SESSION LAWS OF 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All rights now held by, and duties imposed upon, the board of commissioners of Lahainaluna School are hereby transferred to the department of public instruction.

SECTION 2. Lahainaluna School may hereafter be conducted by the department of public instruction as a high school.

SECTION 3. Act 100 of the Session Laws of 1917—as amended by Act 160 of the Session Laws of 1919 and Act 207 of the Session Laws of 1921—being an act to create a trade and vocational school at Lahainaluna, Maui, is hereby repealed.

SECTION 4. This Act shall take effect on July 1, 1923.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 254

[H. B. No. 364.]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF PERSONS WHOSE PROPERTY WAS DAMAGED DURING THE DREDGING OF THE WAIKIKI DRAINAGE CANAL AND PROVIDING FOR THE SETTLEMENT OF CLAIMS THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the treasury, received from the general revenues, the sum of

ten thousand dollars (\$10,000.00), to be expended as hereinafter provided.

SECTION 2. The amount above appropriated shall become available only after it has been determined, by a court of competent jurisdiction, that the Territory of Hawaii is liable for the damage to property caused by the dredging of the Waikiki Drainage Canal, including the spreading of the dredged material in the Waikiki Drainage District.

SECTION 3. The supreme court of the Territory of Hawaii shall have exclusive jurisdiction to hear and determine the questions of law and fact involved herein, and all questions of fact involved shall be determined without the intervention of a jury, and such judgment shall be declaratory only of the rights and liabilities of the parties.

SECTION 4. In the event that the Territory of Hawaii is liable, as set forth in Section 2, the amount or amounts to be paid to the injured parties, shall be determined by a commission composed of the superintendent of public works, the president of the board of health, both of whom are charged with this duty in addition to other duties now imposed upon them by law, and a third member who shall be appointed by the governor and who shall serve without pay. Such third member shall not be an officer or employee of the territory or any political subdivision thereof. The commission shall receive and examine all claims submitted to them by the terms of this Act and the certificate of the majority thereof, as to the amount of damage, shall be final. The amount of claims thus certified to, shall be paid from the appropriation hereinbefore made by the treasurer on warrants issued by the auditor, based upon vouchers approved by a majority of said commission.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 255

[H. B. No. 416.]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF WILLIAM S. CHILLINGWORTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the sum of three hundred forty-four dollars and forty-two cents (\$344.42) be and the same is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for payment to William S. Chillingworth, and to reimburse said William S. Chillingworth for salary due him for the period from July 1, 1919 to September 2, 1919, both dates inclusive.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 256

[S. B. No. 145.]

AN ACT TO PROVIDE FOR THE ACQUISITION OF ADDITIONAL LANDS FOR SCHOOLS IN HONOLULU, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby authorized, empowered and directed to transfer to a special account to be entitled "Purchase of School Lands, Honolulu, Oahu", the following unexpended balances:

(1) Act 186, Session Laws of 1917, amended by Act 9, Special Session Laws of 1918.	\$24,224.20
(2) Act 89, Session Laws of 1919, Item 4 of Section 1	153.94
(3) Act 232, Session Laws of 1919, Section 2	7,436.00

\$31,814.14

SECTION 2. The commissioner of public lands, with the approval of the superintendent of public instruction, is hereby authorized, empowered and directed to acquire so much of the lands mentioned in the above Acts or any lands for the Pohukaina School, in said Honolulu, as may be acquired with the funds hereby transferred and made available for this purpose, said funds to be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands.

SECTION 3. It is hereby provided that the funds herein created shall lapse on June 30, 1925, and any unexpended balances of cash on hand at that time hereby transferred from items 2 and 3 of Section 1 hereof, shall revert to the general fund of the territory; and it is further provided that any expended portion of item 1 of Section 1 hereof shall be subject to reimbursement as provided for in Section 4 of Act 186, Session Laws of 1917.

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 257

[S. B. No. 152.]

AN ACT AUTHORIZING AND EMPOWERING THE TERRITORY OF HAWAII TO TAKE OVER FOR STREET PURPOSES CERTAIN LANDS BELONGING TO THE KANOA ESTATE IN SETTLEMENT OF ITS LIEN ON LANDS BELONGING TO SAID ESTATE AT AN APPRAISED VALUE, AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO REIMBURSE THE TERRITORY THEREFOR, AND AUTHORIZING AND EMPOWERING THE TRUSTEE OF SAID ESTATE TO CONVEY SAID LANDS FOR SAID PURPOSE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Territory of Hawaii is hereby authorized and empowered to take over for street purposes, in part settlement of its lien on lands of the Kanoa Estate lying between King and Hustace Streets in the City and County of Honolulu for filling

said lands as insanitary lands, a right of way fifty (50) feet in width extending from the mauka line of a small piece of land owned by August Dreier, Ltd., on the mauka side of Hustace Street aforesaid to King Street, the exact location to be as approved by the City and County of Honolulu including lands on which said lien is claimed and other adjoining lands of said estate, at an appraised valuation.

SECTION 2. Said valuation shall be fixed by a board of appraisers, one to be appointed by the territory, one by the trustee of the Kanoa Estate, and the third by the two so appointed; provided, however, in the event that said two appraisers cannot agree upon a third, he shall be appointed by the chief justice of the supreme court of the Territory of Hawaii. The decision of said board shall be final.

SECTION 3. The City and County of Honolulu is hereby authorized, empowered and directed to pay over to the territory, and to reimburse said territory for, out of its general fund, or any other fund which might be available for the purpose, the amount fixed by said board for the lands to be taken for street purposes hereunder. Said amount shall be paid as an advance and may be assessed under the provisions of the frontage improvement statutes against any land benefited when said street is opened and /or improved, any other law to the contrary notwithstanding.

SECTION 4. The trustee of said Kanoa Estate is hereby authorized and empowered to convey said right of way to the Territory of Hawaii for said purpose, and in part settlement of said lien.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 258

[S. B. No. 159.]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIMS OF BISHOP TRUST COMPANY, LIMITED, AND E. C. PETERS, EXECUTORS UNDER THE WILL AND OF THE ESTATE OF E. A. McINERNY, AND IRENE DICKSON LOW FOR TAXES ILLEGALLY COLLECTED FROM THEM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to pay to Bishop Trust Company, Limited, and E. C. Peters, executors under the Will and of the Estate of E. A. McInerny, the sum of two hundred five and 85/100 dollars (\$205.85) for taxes collected on property previously sold to the Territory of Hawaii; and to Irene Dickson Low, the sum of one hundred fifty-five dollars and fifty-one cents (\$155.51), for taxes illegally collected from her for the years 1921 and 1922.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 259

[S. B. No. 161.]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS, CITY AND COUNTY OF HONOLULU, TO USE A PORTION OF THE APPROPRIATION MADE FOR THE WAIKIKI SEWER SYSTEM FOR ERECTING NEW SCHOOL BUILDINGS, ACQUIRING NEW SCHOOL GROUNDS AND PURCHASING FURNITURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized to withdraw from that portion

of the appropriation made by it from any funds appropriated and available for the building, constructing, laying and maintaining of the Waikiki Sewer System, not more than the sum of one hundred eighty-three thousand, three hundred fifty-eight dollars (\$183,358.00) and to reappropriate the same for the purpose of erecting new school buildings, additions and improvements, acquiring new grounds and improving the same, and the purchasing of furniture for class rooms and cottages. Provided, however, that the appropriation herein authorized shall not be made until the appropriation authorized by House Bill No. 388 for the relief of the Nuuanu Stream nuisance has been made.

SECTION 2. The tax assessor of the first taxation division shall increase the tax rate on real and personal property for the year 1924 in said taxation division over that provided in any other law to an extent sufficient to raise the sum of one hundred eighty-three thousand three hundred fifty-eight dollars (\$183,358.00) which shall, when collected, be paid to the treasurer of the City and County of Honolulu and the same shall be reappropriated by the board of supervisors (should it make the appropriation authorized in Section 1) to pay the amounts which may be due under and to complete the said contract for the building, constructing, laying and maintaining of the said Waikiki Sewer System, or if the appropriation authorized in Section 1 is not made then the same shall be appropriated for the purpose of erecting new school buildings, additions and improvements, acquiring new grounds and improving the same and the purchasing of furniture for class rooms and cottages.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 260

[H. B. No. 157.]

AN ACT TO PROVIDE FOR THE RELIEF OF JOSEPH RICHARDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay to Joseph Richards, upon a warrant issued by the auditor of the territory, the sum of three hundred thirty-six dollars and ninety-six cents (\$336.96) as and for his salary as live stock inspector of the Territory of Hawaii from February 12, 1921 to April 17, 1921, and said sum of three hundred thirty-six dollars and ninety-six cents (\$336.96) is hereby appropriated out of any moneys received in the treasury from the general revenues.

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 261

[S. B. No. 130.]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICT OF HAMAKUA, ON THE ISLAND AND COUNTY OF HAWAII, TER- RITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Franchise. M. S. Botelho, of Honokaa, District of Hamakua, County of Hawaii, Territory of Hawaii, his associates, successors and assigns, or such corporations as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric

current, or electric power, in the District of Hamakua, on the Island of Hawaii, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and, from time to time, for the purposes above mentioned, subject to the approval and supervision of the board of officials having charge of said streets, or roads, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District of Hamakua on said Island of Hawaii, and to connect the said wires, lines and conductors, with any manufactory private or public buildings, lamps, lamp posts, or other structure or objects with the place of supply.

SECTION 2. Rules and Regulations. The officials or boards having charge of said streets or roads, are hereby authorized to make from time to time, change, amend or add to reasonable rules regulating the placing of poles, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus generally, concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

SECTION 3. Poles not to interfere with streets, etc. All poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other apparatus constructed, maintained or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said district, on the Island of Hawaii, shall be so constructed and maintained and operated by the association, as not to unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. The entire plant, lines, poles, and all other apparatus, and equipment shall, at all times, be subject and open to the inspection of the officials or boards having charge of said streets, or roads, or any officer appointed by them for that purpose.

SECTION 5. Meters, charges, reasonableness how determined. The association shall also have the right to maintain, use and operate electric meters, or other means of measuring electric light, power or current supplied from time to time and to locate the same at such places as may be deemed necessary for their protec-

tion; and also to charge, receive, and collect from all consumers of electricity such reasonable prices as may be from time to time fixed and determined by the association; provided, however, that power is hereby conferred upon the courts of competent jurisdiction, or any utility commission which is, or may hereafter be, created by law of the Territory of Hawaii, or of the United States, at all times and upon the petition of any consumer of electric power or lights from the said association, to hear and determine from time to time whether an existing rate or rates are unreasonable; and if a rate be unreasonable to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

SECTION 6. Charges for making connections. The association shall also have the right to charge consumers or applicants for the use of electricity, one-half of the costs and expense of making connections between the nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections; provided, however, that the said association shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power, unless the applicant therefor, if required, shall deposit in advance with them, a sum of money sufficient to pay one-half of the total estimated cost and expense of making and constructing such connections and for current for the period of one month.

SECTION 7. Right to acquire property, limits to. The association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, as may be necessary or incidental to the proper conduct of his or their business; but he or they shall not have the power or right to purchase franchises and property of any other company of like nature.

SECTION 8. Power to borrow money and bonds. The association whenever from time to time it shall be deemed expedient in furtherance of the objects for which this franchise is granted, shall have the power to borrow money, and to secure the payment thereof, with the interest agreed upon by the mortgage of any or all of its property, and all franchises and privileges granted or obtained by virtue of this Act, or if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty per cent of the actual value thereof, and all future property acquired, as well as the income and receipts of the property from whatever source derived and in such form and

upon such terms as he or they shall deem advisable, provided that nothing in this section contained shall operate to prevent the association from obtaining the usual business credits, and to make promissory notes without security.

SECTION 9. Franchise not exclusive. It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the association an exclusive right, to furnish, sell or supply, the electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such law establishing a public utility commission and such other laws of a general nature as may be applicable from time to time to electric light and power plants or companies operating them in the Territory of Hawaii, or the County of Hawaii, or their successors.

SECTION 10. Forfeiture of franchise. It is provided that if the said association shall fail or refuse to do or perform or comply with any of the provisions of this Act, or the laws of the Territory of Hawaii, or of the County of Hawaii, or the rules promulgated under Section 2 of this Act, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works, or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

SECTION 11. Annual statement, payment to government. The association shall, within one month after the expiration of each calendar year, file with the treasurer of the County of Hawaii, a statement showing the gross receipts from the sale of electric current for light and power furnished by it during such year and shall at the same time pay to the treasurer of the County of Hawaii for and on behalf of said county two and one-half per centum of the gross receipts from all electric current for light or power furnished to consumers during the year preceding.

SECTION 12. All property of every kind and nature, forming or used as a part of such electric system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of five (5) years from and after the commencement of the construction of buildings, or other works for manufacturing and supplying electricity.

SECTION 13. Franchise subject to reasonableness, public utilities commission. This franchise and the person or corporation holding the same shall be subject as to reasonableness of rates, prices and charges, and in all other respects to the provisions of Chapter 128 of the Revised Laws of Hawaii, 1915, creating a public utilities commission and all amendments thereof for the regulation of the public utilities in said territory.

SECTION 14. The public utilities commission of the Territory of Hawaii is hereby granted power, subject to Section 2 hereof, to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of the same; provided that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 15. The right hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other work for manufacturing or supplying electric current for light or power or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places hereinbefore mentioned, for the purpose of conducting electric current for light and power, and unless the association shall actually have expended in such work a sum not less than five thousand dollars (\$5,000.00) within one year from and after the date of the approval of this Act by the Congress of the United States.

SECTION 16. That the Territory of Hawaii, the County of Hawaii, or any political subdivision thereof, may at any time and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or in case it should fail to do so within thirty days after having been requested to do so by the purchaser, then by the chief justice of the supreme court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within thirty days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard, but such amount shall in no case exceed

the actual cost or the actual value of tangible property, or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of the Territory of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the value claimed by the purchaser and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance, but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 17. Franchise subject to amendment or repeal. The Congress of the United States, or the Legislature of the Territory of Hawaii, may at any time alter, amend or repeal this Act.

SECTION 18. This Act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within two years from the date of such approval by the Governor.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 262

[S. B. No. 146.]

AN ACT RELATING TO THE REAL ESTATE OF DECEDENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 2490A and to read as follows:

"Section 2490A. The executor or administrator is entitled to the possession and control of the real estate of the decedent and to receive the rents, issues and profits thereof until the estate is settled or until the real estate is delivered over to the heirs or devisees, and may make all necessary or proper expenditures for the care and protection thereof, including taxes and repairs on the buildings and other improvements thereon while under his control, for which purpose he may use such rents, issues and profits so far as necessary and available, the net balance thereof to be paid by him to the respective heirs or devisees entitled to said real estate, on the final distribution of the estate or on the prior order of the judge. The heirs or devisees may themselves, or jointly with the executor or administrator, maintain an action or suit, for the possession of the real estate or for quieting the title thereto, or for the registration of the title thereof against anyone except the executor or administrator, but shall not be required to do so. The judge having jurisdiction of the estate may upon the application of the executor or administrator, or of any person claiming as heir or devisee at any time order the distribution or partial distribution of the real estate and for that purpose may determine the heirs or devisees entitled thereto. No such order or determination shall be made except after a hearing, of which notice shall have been given by publication in such newspaper as the judge may order at least once a week for four successive weeks (four insertions), the last publication to be not less than ten days previous to the time appointed for the hearing, and by such additional method, if any, as the judge may, in his discretion, prescribe".

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 263

[H. B. No. 342.]

AN ACT TO ALLOW MEN WORKING ON STEAMERS TO VOTE BEFORE LEAVING PORT IF THEY ARE TO LEAVE BEFORE ANY COUNTY OR CITY AND COUNTY ELECTION AND WILL NOT RETURN IN TIME TO VOTE.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any registered voter who, because of being employed upon any of the vessels that are leaving port, and will not be present at his voting place upon any county or city and county election day to cast his vote, is hereby granted the special permission of voting on the day before the day prior to such county or city and county election, in the manner hereafter specified.

SECTION 2. The county or city and county clerk shall, upon affidavit duly signed by a duly registered voter about to depart, setting forth the facts entitling him to vote, pursuant to Section 1, have placed in an envelope a ballot folded so as to conceal the names of the candidates thereon. The voter shall thereupon, in the usual manner provided by law, and in a place apart from any person, mark his ballot and place it in the said envelope and seal and deliver it to the clerk, who shall, at the time he delivers the ballots to the judges of election of the precinct where said voter registered, and in any event on the day of election, deliver said envelope to the said judges. The voter shall sign his name upon the envelope as proof that he has voted.

SECTION 3. The chairman of the judges of election shall in the presence of all the judges, call the name of the one that has voted and thereupon proceed to open the envelopes and deposit the ballot in the ballot box in the usual manner as provided by law, and without opening the same or in any way observing or permitting anyone to observe how the same is marked. The envelopes are to be placed in the ballot bags as proof that the voter himself voted and signed the envelope.

SECTION 4. It shall be unlawful for any voter to make any false statements in any affidavit required under this Act and it shall be unlawful for any person, other than as in Section 3 provided, to open an envelope containing a ballot marked under the provisions of this Act, and it shall be unlawful for the judges of election to open any envelope containing a marked ballot and de-

posit the ballot therein contained in the ballot box in any manner except as in Section 3 provided. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than six months, or by a fine of not more than five hundred dollars (\$500.00) or by both such fine and imprisonment.

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 264

[H. B. No. 64.]

AN ACT TO AMEND SECTION 3867 OF THE REVISED LAWS OF HAWAII, 1915, CONCERNING PUNISHMENT FOR THE OFFENSE OF MANSLAUGHTER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3867 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 3867. Punishment. Whoever is guilty of the offense of manslaughter shall be punished by imprisonment at hard labor for a period of time not more than ten years.”

SECTION 2. This Act shall take effect upon its approval as to any future violations of Section 3866 of the Revised Laws of Hawaii, 1915, but shall not be effective as to any prior violations of said section.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 265

[S. B. No. 148.]

AN ACT TO PROVIDE A CITY HALL FOR THE CITY AND COUNTY OF HONOLULU.

WHEREAS, it is desirable that the City and County of Honolulu should possess a City Hall at as early a date as possible in order to provide sufficient and suitable offices for the several departments of the said City and County of Honolulu, and the officers thereof and their staffs; and

WHEREAS, the moneys necessary for the purpose are not immediately available;

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and empowered to take on lease, from the owner or owners thereof, a piece of land within the civic center of the said city and county suitable for a site for a City Hall for such a term of years and at such annual rent or rents, which shall not exceed five per cent of the value of the said piece of land, such value to be ascertained in such manner as the said board of supervisors shall determine, over and above all taxes, rates and assessments of every description, nature or kind, and whether assessed to or payable by the owner or owners or the said city and county, and upon and subject to such terms and conditions as the said city and county, acting through its board of supervisors, shall deem proper, and in such lease to enter into a covenant with the owner or owners of the said piece of land whereby the said owner or owners shall erect on the said piece of land a building suitable for a City Hall for the said city and county upon and in accordance with plans and specifications to be prepared and adopted therefor by the said board of supervisors and upon a contract or contracts to be let after competitive bidding with the approval of the said board of supervisors, and whereby the said city and county shall pay to the said owner or owners as additional rent an amount which shall not exceed eight per cent of the total cost of erecting and completing the said building, net over and above all such taxes, rates and assessments as aforesaid, and cost of insurance against loss or damage by fire, the items of expenditure to be included in such total cost to be mutually determined upon by the said owner or owners and the said board of supervisors; provided, however, that three per

cent of such total cost of erecting and completing such building shall be set apart annually by the owner or owners and placed by them to the credit of a fund to be designated in their books as "depreciation account", and the moneys to the credit of such account including the interest on the same as invested shall, in case the said city and county shall purchase the said site and the said building during the term of the said lease as hereinafter provided, be credited on the purchase price, otherwise the same shall be retained by the said owner or owners for their own benefit. The lease to be entered into by the said city and county shall also contain a covenant whereby the said city and county shall have the right to purchase the said site and the said building from the said owner or owners at any time during the term of the said lease for an amount equal to the value of the said site, determined as aforesaid, and the total cost of erecting and completing the said building.

SECTION 2: The said City Hall and/or the said land shall be exempt from taxes from and after the date of the said lease and such exemption shall continue during the continuance of the lease thereof.

SECTION 3. When the City and County of Honolulu decides to purchase the said City Hall, together with the said land, pursuant to the covenant to do so contained in the said lease, it may finance such purchase by the issuance of bonds. Said bonds shall be issued by the treasurer of the City and County of Honolulu as directed by the board of supervisors of the said city and county, and the issuance thereof shall be governed by the provisions of an Act of Congress approved April 30, 1900, entitled "An Act to Provide a Government for the Territory of Hawaii", and any amendments thereto in effect at the time said bonds are issued. No bonds shall be issued until after the issuance thereof shall have first been approved by the President of the United States. Such approval on the part of the President of the United States shall be conclusive proof that all requirements of law have been duly complied with and that said bonds are, in all respects, valid and incontestable.

SECTION 4. All bonds issued under the authority of this Act shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall constitute a charge upon the general revenues of the City and County of Honolulu.

SECTION 5. All bonds issued under authority of this Act shall bear interest, payable semi-annually, at the rate of not more than six per cent per annum, and be payable or redeemable and payable

at such time or times from the date of issue thereof as will comply with the provisions of an Act of Congress approved April 30, 1900, entitled "An Act to Provide a Government for the Territory of Hawaii", and any amendments thereto in effect at the time said bonds are issued. The said bonds may be of a type of bond known in commercial usages as serial bonds.

SECTION 6. The proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued as expressed herein.

SECTION 7. The treasurer of the City and County of Honolulu may, with the approval of the board of supervisors of the said city and county, determine the denominations of such bonds to be issued under the authority of this Act, the place in which the principal and interest of such bonds or any of them shall be payable and the method of their redemption. The said treasurer shall make such arrangements as may be necessary or proper for the sale of such bonds. Such arrangements shall provide for the sale of such bonds by the city and county itself, upon a public advertisement for tenders therefor for at least ten days in a newspaper of general circulation, published in Honolulu, but no bond shall be sold at less than two per cent below its nominal par value. Before the sale of such bonds is made, the treasurer shall first secure the approval of such sale by the board of supervisors.

SECTION 8. All bonds issued under the provisions of this Act shall be lithographed or steel-engraved, and shall be signed by the treasurer and the mayor of the City and County of Honolulu, and shall be sealed with the seal of the said city and county. Interest coupons shall bear lithographed or engraved facsimile of the signature of the treasurer of the said city and county.

SECTION 9. In case of any default in the payment of the principal of any bonds issued under the authority of this Act or of any interest thereon, collection of the same may be enforced in the manner provided by Sections 2190 and 2196 inclusive of the Revised Laws of Hawaii, 1915.

SECTION 10. This Act shall take effect upon its approval.

Approved this 14th day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 266

[S. B. No. 71.]

AN ACT RELATING TO THE LICENSING AND REGULATING OF THE CARRYING ON OF CERTAIN BUSINESSES, PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE TERRITORY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The boards of supervisors of the counties and the city and county shall have the power to provide by ordinance for the licensing and the regulating of and the imposition of a license tax not to exceed one hundred dollars (\$100.00) per annum on all and any kind of business, profession, trade, calling and occupation transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions and lawful games carried on therein, and to provide for the collection of all such license taxes by suit or otherwise; and to provide and enforce appropriate penalties for the carrying on of any business, profession, trade, calling, occupation, show, exhibition or lawful games without a license or contrary to the provisions of any license; provided, however, that no license fee shall be collected, nor any penalty imposed under this Act from or upon any person, firm or corporation who or which is now or shall be by statute made exempt from the payment of any such license tax, and provided further, that where the amount of any license tax or fee is now or shall hereafter be prescribed by any territorial statute, such amount shall not be altered by any board of supervisors.

SECTION 2. No license shall be issued under this Act until and unless the applicant therefor shall produce and exhibit to the official issuing such license, a certificate or certificates from a tax assessor or any other official to whom any taxes are payable, showing that no taxes due the territory or the county or city and county in which such license is requested to be issued are delinquent; or in the alternative produce and exhibit a certificate from such official showing that such applicant is exempt from such taxes.

SECTION 3. Where a license has been issued in any county or city and county to any person, firm or corporation having his or its principal place of business in such county or city and county, the licensee shall be authorized thereunder to transact personally the business, profession, trade, calling or occupation covered by such license, or in the transaction thereof to send his

or its agents, drummers, salesmen or other representatives into and through any other county or city and county without the payment of any additional license tax or the procuration of any license in or from such county or city and county. Provided, however, that any person, firm or corporation maintaining an agency or branch office in any county or city and county other than the one in which his or its principal place of business is located, may be required to pay a license tax for any such agency or branch office, in and to the county or city and county in which such agency or branch office is located.

SECTION 4. Nothing in this Act shall be construed to affect in any way or to cover the issuance of any annual or other license prescribed by law to be issued by the Territory of Hawaii, or any department or officer thereof; nor to authorize any board of supervisors to provide for the issuance of any license until the requirements of Chapter 67 of the Revised Laws of Hawaii, 1915, or any amendment thereto or of any other statute prescribing the conditions precedent to the issuance of the same shall have been complied with; nor to allow the carrying on of any business, profession, trade, calling, occupation, show, exhibition or lawful game in a manner contrary to that prescribed by any statute; nor to require a license or license fee for any business, profession, trade, calling, occupation, show, exhibition or lawful game for which a license is or shall be by law prescribed to be issued by the Territory of Hawaii, or any department or officer thereof, except as specifically permitted by statute. Provided, however, that an annual or temporary license tax may be imposed upon any business, profession, trade, calling, occupation, show, exhibition or lawful game upon which no annual or temporary license tax is imposed by the territory.

SECTION 5. This Act shall take effect January 1, 1924; provided, however, that as to any county or city and county the existing territorial laws relative to licenses and license taxes therein shall remain in effect until such county or city and county shall enact a lawful ordinance pursuant to this Act applicable to any business, etc., in such county or city and county now covered by an existing territorial statute.

Approved this 14th day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

JOINT RESOLUTION No. 1

[H. J. R. No. 2.]

JOINT RESOLUTION.

MAKING THE FLOWER KNOWN AS THE PUA ALOALO (HIBISCUS)
AS THE FLOWER EMBLEM OF THE TERRITORY OF HAWAII.

WHEREAS, floral emblem came into use in ancient times and mention is made of them in the early history of China and in biblical literature, and countries and states have adopted certain flowers, each emblematic of the flora of such country or state, and such action is promotive of loyalty and feelings of pride on the part of the inhabitants of such countries and states; and

WHEREAS, as at the present time several of the islands have adopted a local flower as its emblem,

HAWAII.....	PUA LEHUA
OAHU.....	PUA ILIMA
MAUI	LOKELANI
KAUAI	MOKIHANA
MOLOKAI.....	PUA KUKUI
LANAI	KAUNAOA
KAHOOOLAWE	HINAHINA

it is fitting that some flower shall be adopted to represent the Territory of Hawaii as a whole, and in the flora of the country, the Pua Aloalo (Hibiscus) a beautiful, indigenous blossom which grows luxuriantly on all the islands, appears to be most generally representative, no other flower having so great a variety in color and form, or such continuous blooming; Therefore, be it

RESOLVED by the Legislature of the Territory of Hawaii that the flower known as the Pua Aloalo (Hibiscus) shall be and is hereby adopted as the flower emblematic of the Territory and shall be known as the Flower Emblem of Hawaii.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

JOINT RESOLUTION No. 2

[H. J. R. No. 3.]

JOINT RESOLUTION.

TO CREATE A COMMISSION TO RECOMMEND CHANGES IN JUDICIAL PROCEDURE.

Be it Resolved by the *Legislature of the Territory of Hawaii*:

There is hereby created a commission, the personnel of which shall be appointed by the Governor and to be composed of one justice of the supreme court, one circuit judge and two members of the bar of high standing and qualified by learning and experience, such commission to prepare and recommend to the legislature any necessary amendments to the present statutes tending to the simplification of the system of pleading, practice and procedure to be used in all actions, motions and proceedings at law or in equity by the circuit courts and district courts so as to promote the speedy termination of litigation on the merits.

The commission shall make its report to the legislature at its next ensuing session, said commission to serve without compensation.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

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